

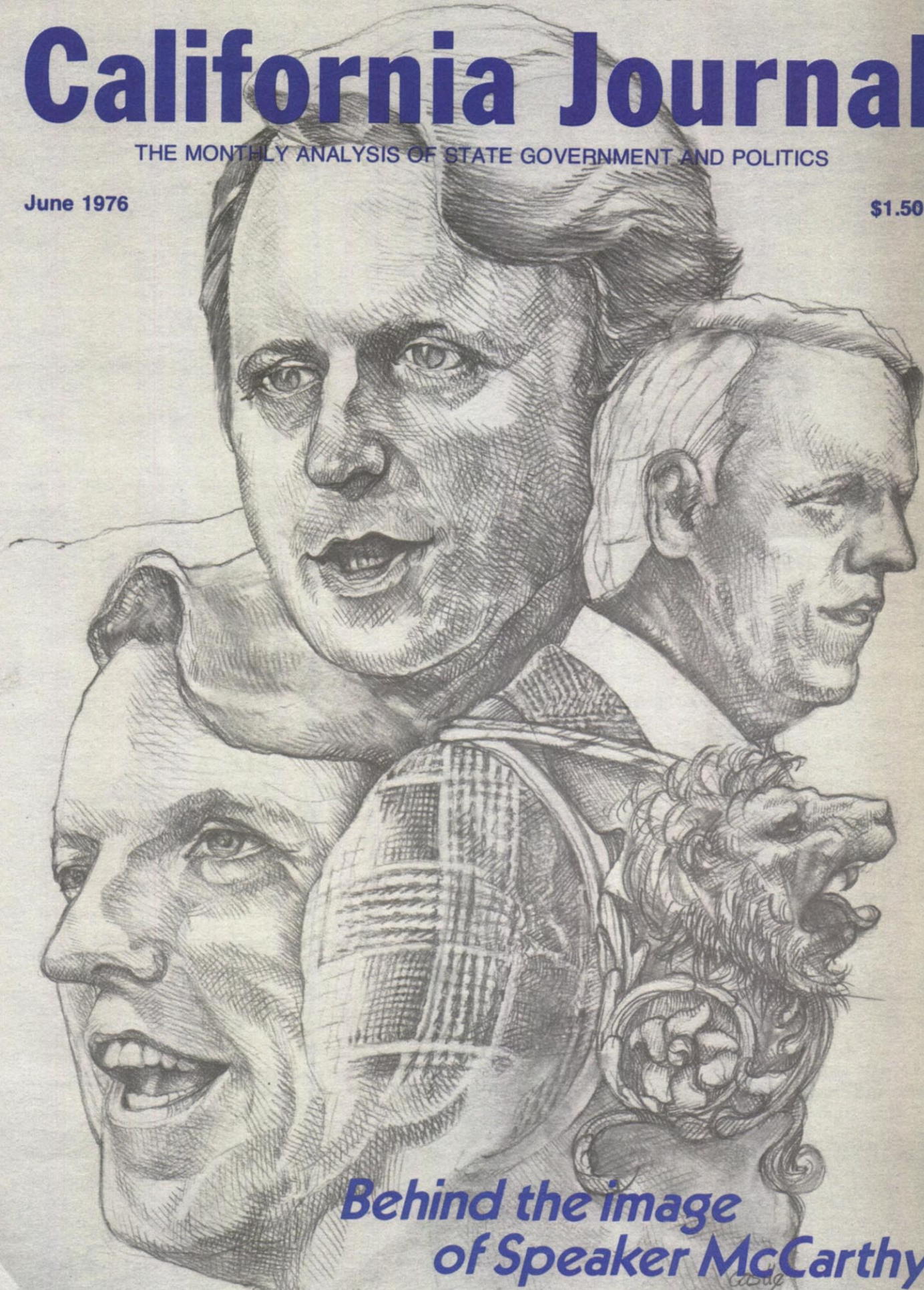
BOOK EXCERPT: *THE HIDDEN CAMPAIGN*

California Journal

THE MONTHLY ANALYSIS OF STATE GOVERNMENT AND POLITICS

June 1976

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*Behind the image
of Speaker McCarthy*

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California Journal

THE MONTHLY ANALYSIS
OF STATE GOVERNMENT AND POLITICS

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CALIFORNIA JOURNAL

A PERSONAL PERSPECTIVE . . .

By Ed Salzman

Taking the opportunity shot

Some Californians are wondering how Jerry Brown, 38 years old and Governor for only 17 months, can muster the audacity to run for president. State Republican Chairman Paul Haerle went so far as to call Brown's campaign "obscene," but that can be written off as typical partisan rhetoric.

Haerle aside, there are plenty of Californians who think Brown is too young and inexperienced to have his finger on the nuclear trigger. Why, they ask, can't he wait until he has proven himself as governor and added a few more gray hairs?

Those who ask these questions should be acquainted with a basic truth of politics. Few politicians get many chances to move ahead, and every opportunity must be taken as it arises. There is no room for the timid soul in politics.

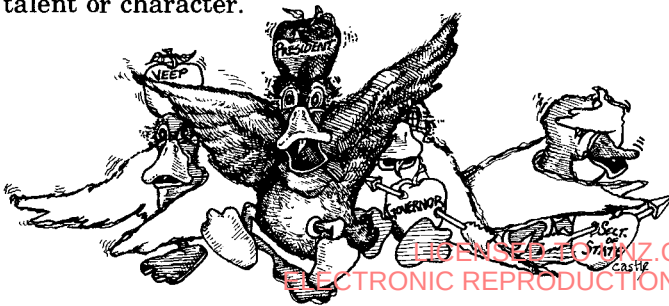
For Brown, entering the presidential campaign this year was akin to the purchase of a convertible bond, as opposed to either a common stock or an ordinary bond. Brown could afford to take the risk of damaging his reputation as an anti-politician because he could fall back on the security of the governor's office and his unprecedented popularity in the polls. He may never again have as good an opportunity to run for president, and that, after all, is the goal of every red-blooded American politician.

The most valuable asset a politician has is the "free ride" — the chance to run for a higher office without relinquishing the one he or she now holds. That is why opportunities are limited for members of Congress and the state Assembly. With two-year terms, they must risk involuntary retirement from politics to run for another office.

This is one of the reasons why Assembly Speaker Leo T. McCarthy is pushing for the adoption of a constitutional amendment that would give Assembly members four-year terms. This would give half the Assembly each election year a free shot at a higher office. In an effort to make the plan palatable to the state Senate, however, McCarthy had to include in his plan a provision to make certain that Assembly members would not be able to run against state senators without risking their own seats.

The "free ride" also explains why so many California Republicans are already looking to Mayor Pete Wilson of San Diego as the likely GOP candidate for governor in 1978. The other obvious candidate, Attorney General Evelle J. Younger, would have to shoot the works, and the odds against beating Brown wouldn't make the risk worthwhile — at least if the Governor's popularity holds.

Some who aspire to political careers never get a single realistic crack at a partisan office. Opportunism may have a terrible sound to it, but in the world of politics, it isn't a dirty word. Combined with luck, it explains much more about the workings of the political process than either talent or character.



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If Gerald Ford is elected president this November, don't be surprised if he names state Attorney General Evelle J. Younger as United States Attorney General. That would give San Diego Mayor Pete Wilson a clear shot at the Republican gubernatorial primary in 1978.

Tom Moore, the ousted state Medical executive, sent Lieutenant Governor Mervyn M. Dymally a profuse apology for some accusations made by Moore against Dymally at a private party. Key line: "In the heat of an accusatory debate, I am sorry to say that I took leave of the facts."

State bureaucrats no longer talk about social welfare. The "in" term is "income-transfer system."

The public relations mini-coup of the year should be credited to Jack McDowell and Dick Woodward, handling the S.I. Hayakawa campaign. McDowell and Woodward decided to give Hayakawa a nickname — Sam — and many newspapers picked it up. Hayakawa happens to answer to the name of Don.

Assemblyman Willie Brown on Jimmy Carter: "A Phil Burton with charm."

Political writing must be losing its appeal. Bill Stall, former press secretary to Governor Brown, is moving to Los Angeles this month from the Sacramento bureau of the Los Angeles Times. But he won't be covering politics. After the November election, Bill Boyarsky will move from the Times Washington bureau back to Los Angeles, and he too will abandon politics.

If March Fong Eu could campaign successfully for secretary of state with a pay-toilet theme, why shouldn't a candidate for Congress also run on a bathroom platform? Democrat John Bakalian of Capitola tried to distribute 10,000 "Bakalian bricks" for placement in toilets, theoretically to conserve 14,600,000 gallons of water a year — and coincidentally to pick up a few votes.

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BEHIND THE IMAGE

The essence of Speaker McCarthy: Team player, Family man, Tap dancer

By LEAH CARTABRUNO

It was the Speaker's press conference, but the hot questioning centered on the Governor's absence from the political battles in Sacramento. "How can the farm-labor-board issue be settled if the Governor is off in Maryland?" queried a reporter. "What did the Governor do for the nuclear bills before his appearance on 'Face The Nation'?" asked another. "Would your opposition to the Governor's employment bill be changed if the Governor had his mind here instead of on the presidency?" Assembly Speaker Leo McCarthy voiced some discontent on the issues but didn't waiver once in his careful defense of the Governor. Leo McCarthy is a team player — and he never forgets it.

But "team player" is just one of the terms McCarthy's peers use to describe the very private man who holds the second most powerful office in state government. Friend or foe, all consistently come up with the same attributes: intense, single-minded in his dedication to reach a goal, loyal, disciplined, calculated not to offend, bright, systematic. His fans add unassuming and honest; his detractors add cold. Leo McCarthy is not a "star," not the glamorous politician who captures the public's imagination. But do the public's political heroes get as much done as Leo McCarthy?

McCarthy is very much the product of his up-bringing — Irish, Catholic and San Franciscan. Although he was born in Auckland, New Zealand, in 1930, the family emigrated to San Francisco in 1934 before his fourth birthday. Although living in New Zealand had no effect on his character, events that occurred there did. Both of McCarthy's parents were born in Ireland. After the family's arrival in New Zealand, McCarthy's father, Daniel, started a hotel-bar business in Auckland. The business flourished until a partner embezzled large sums of money. Daniel McCarthy and his family left for the United States broken-hearted and nearly penniless.

In the beginning: Genesis

When the McCarthys and their four sons arrived in San Francisco, they found a flat in Saint Mary's Park located in what was at the time the predominantly Irish, blue-collar Mission district. Daniel McCarthy soon opened up one bar, then another, until he had a total of four. His sons, including Leo, helped out in the pubs frequented mainly by workingmen and pensioners. Dan McCarthy was well-liked, active in the United Irish Society, and chairman of sporting events for the Gaelic Athletic League. The older Irish community recalls the elder McCarthy (pronounced Mc-Cart-e) was a "good whiskey merchant," and describes him as both "a man of many kindnesses" and "penurious." Leo McCarthy de-

scribes his father as a very calm man who only occasionally lost his temper if someone pushed him very hard. By example, Dan McCarthy instilled his sons with respect and consideration for other human beings.

Leo McCarthy, the youngest son, remembers living in the flat with three beds in one room until he was 17. While McCarthy says his father conserved money, investing it wisely, he also was prepared to give all his sons a good education and help them get started in business. Leo attended parochial schools, including Saint Joseph's diocesan seminary (a secular seminary serving the San Francisco diocese) and the Jesuit Saint Ignatius High School. He spent a year at Santa Clara, then went to Los Angeles to study interior decorating for 18 months. After a stint in the Air Force during the Korean War, McCarthy finished up at the University of San Francisco.

It was against this community, religious, and educational background that McCarthy developed. "In this country, American Irish-Catholics have beliefs in social justice, in the labor movement, in economic justice for people — I came out of those roots," McCarthy mused during an interview. "I feel strongly about it," he continued. "All that was tempered by the younger Irish with their belief in the rights of minorities sharing in those benefits . . . something that maybe the first Irish arriving here didn't perceive." McCarthy viewed his study of history and other subjects in college, and his interaction with other students, as a leavening process. If you "put that against my religious training, you come into a blend of how I view society in terms of moral responsibilities — righting an awful lot of inequities that exist."

McCarthy is remembered by the Irish who used to live in the Mission as decent and serious, a good student, active in liberal causes. It was when he was active in one of those liberal causes — a Democratic party voter registration drive — that McCarthy met his wife, the former Jacqueline Burke. A student at Lone Mountain College while McCarthy was at USF, Jackie from the first played more than the traditional wifely role. Decisions are made jointly by both McCarthys.

When Leo went to law school, the McCarthys had started their family and managed an apartment house. McCarthy worked full-time for Senator Eugene McAtteer during the day in Sacramento, returning to the city to attend law school at night. He studied while traveling back and forth on the bus. "All the bus drivers were very nice," smiled Jackie McCarthy. "He left so many law books on the bus, we got to know them all by name." When he got home around 11 p.m., they would have dinner together. From those years, McCarthy learned to sleep little



and come up wide awake. "Political life with its campaigning was easy for us after almost five years of night law school," Jackie commented.

McCarthy's attentiveness to Jackie is sometimes misinterpreted. His romantic attitude towards his wife of 21 years surprises some of his colleagues. He regularly brings flowers to Jackie although, she reports, they are sometimes dead for having sat on the car seat during long political meetings. One time, a fellow assemblyman, who was at the house when McCarthy walked in with flowers, asked, "Who's sick?"

His frequent phone calls and his trips home every night are not demands. "He wants to come home. That's better than asking," explains Jackie. "He needs the home atmosphere." Even though McCarthy's well organized, there is never enough time to spend with his family. Until his father's death on the same day President John Kennedy was assassinated, November 22, 1963 (shortly after McCarthy's election to the San Francisco Board of Supervisors), and his mother's death some six years later, McCarthy's time also was shared with his parents.

Family the decisive factor

The McCarthy house is easy to spot. Two shades of brown, it's on a full-view corner and has a large "John Foran for State Senator" sign with hot-pink letters in the window. Political signs are not unusual in that neighborhood. The Governor's sister lives on that street, as do Supervisors John Molinari and Terry Francois and the head of the city's civil service system, Bernard Orsi. Supervisor Ron Pelosi used to live across the street. Located in San Francisco's Forest Hills, on the periphery of the Sunset district, the home gives the appearance of affluence without opulence and, above all, looks like a good place to bring up kids.

The McCarthy's have four children: two girls 19 and 18, and two boys 10 and 8. McCarthy's sons are not too involved in his political life because he doesn't want them "to get a distorted view" of him. He tries to keep his relationship with his sons as natural as possible. McCarthy is the first-base coach at his younger son's weekend ball games. At first, the team coach wanted to know why McCarthy always had aides running back and forth with messages and waiting in the car. When he found out who McCarthy was, the coach wondered why he was there. Jackie retorts, "Why shouldn't he be?"

When the family gets to take vacations, the McCarthys like to go hiking where there are no people. Mount Lassen is a favorite. While they don't travel much, they intend to visit their daughter this summer when she is at the Gonzaga campus in Italy. (Gonzaga is a Jesuit college in

Spokane, Washington.) Mrs. McCarthy finds the Jesuit practice of answering a question with a question disturbing. "That's okay for a freshman," she remarked, "but she better get some answers too. I'm not paying for that."

O Jerusalem

One of the few trips the McCarthys have taken was a visit to Israel last year. They found it a very personal spiritual experience and were in awe of Jerusalem. On the pragmatic side of their visit, they participated in political discussions every night, finding if there were 10 people present, there were 10 different points of view. The main thing the Israelis could not understand was who made the decisions about what moved and what didn't in the legislative process. In Israel, there are no open committees; all discussions are in private until a measure reaches the full Knesset. The McCarthys assured the Israelis that the committee system, open to the public, did work on a general consensus basis.

Before their Israeli visit, the McCarthys read up on the young country. Reading is one of their favorite leisure time activities, and they usually share the same books. One summer, they read all the English novels they could get their hands on; another time, they went through Russian authors. The bookcase holds authors ranging from Franz Kafka to Gore Vidal. McCarthy has a special fondness for Dickens and, in a different way, Shakespeare. An actor in college, McCarthy played a number of Shakespearean and other roles. "All badly," Jackie recalls.

There's another, less classical, side to McCarthy. A dedicated Warrior fan, Jackie says the only way she can catch Leo's attention during a Golden State basketball game is to call him and include his middle name — Tarcisius (a young saint who, in the early years of the Catholic church, gave his life in defense of the Eucharist). McCarthy is also a tap dancer and, at a party with close friends, joined a woman friend who was trying to remember a certain dance routine. As they left the party that night, McCarthy went out the door "shuffling off to Buffalo."

The politician

Jackie admits they are formal people, but complains most articles make McCarthy sound so straightlaced, she wouldn't like him either. "If the roof fell in, Leo would say, 'Tomorrow, we'll have to rebuild.' I'd want to react emotionally first," Jackie remarked. "He can be so fair, it's exasperating — especially when you're having an argument. But he's not the cold, unfeeling person most stories portray." She said she wouldn't want him to be the flashy type either.

continued

The hard work hasn't always paid off. There have been some big wins and some losses in McCarthy's political career. It started off on a win, however, when McCarthy ran for the San Francisco Board of Supervisors late in 1963. The exact circumstances leading to McCarthy's candidacy are hazy. Then-Senator McAteer was set to run for mayor of San Francisco. McCarthy was instrumental in organizing the McAteer campaign. Why McAteer decided not to run has never been documented. Some say President John Kennedy called McAteer and asked him to step aside for Jack Shelley. Some say then-Governor Pat Brown had a hand in it. In any case, McAteer, who probably would have won, pulled out of the race but not without some hurt feelings.

All this was unknown to McCarthy. (To this day, McCarthy says he was never told exactly what happened.) McCarthy continued his efforts on McAteer's mayoralty campaign until someone told him of McAteer's decision to withdraw. McCarthy was reported to have reacted strongly. Some time later, McCarthy told McAteer he wanted to run for the board of supervisors. It was McAteer's turn to react strongly. Others who worked for McAteer said his aggressive personality led him to feel that an aide should work for him until released by McAteer.

McCarthy thinks McAteer felt badly because "I was leaving him in a moment of great pain." McCarthy says, looking back, he can understand McAteer's feelings as the Senator was heartbroken over having had to withdraw. Indisputably, McAteer was bitter over what he felt was a desertion.

According to friends, when McCarthy became a supervisor his tunnel vision became apparent immediately. He was so tuned in to getting something done, he couldn't see anything else. He sponsored the San Francisco Human Rights Commission. Even with the controversy over the commission's proposed subpoena power, he pushed it through — and intact. McCarthy came up with new and significant proposals every month, but he was building up a residual resentment.

During this same time, a rivalry between the Phil Burton and Leo McCarthy Democratic factions was building in San Francisco. A string of political confrontations began: Don King went against George Moscone for the county central committee chairmanship; John Delury ran against John Burton for Phil Burton's old Assembly seat; Leo McCarthy against George Moscone for the Senate seat vacated after McAteer's death. It was all a backdrop for the ultimate contest: Leo McCarthy against Willie Brown for the Speakership of the Assembly. Voting records never differed enough to be the issue.

Like he did everything else, McCarthy systematically started toward the goal of being Speaker. He worked on all fronts: on those members already elected and on the campaigns of those he hoped to get elected. To a man, McCarthy supporters say he didn't gather votes by making commitments. He counted votes carefully. He kept track by marking down members' positions in columns ranging from committed to either candidate, to leaning to one or the other, to undecided. The McCarthy forces never made a mistake when counting votes.

Anti-corruption v. political pragmatism

McCarthy is known to be a reformer against corruption. This characteristic exists side by side with the ability to do what is necessary in a close political situation. McCarthy removed his name from the law firm with which he was associated when he stopped practicing law seven years ago. Yet, he does not directly discourage fellow lawyer-

legislators from practicing law because he feels it is "presumptuous." He is in favor of some limitation on a legislator's outside income because that would provide a better basis for justifying a pay increase so that a legislator's salary will be "commensurate with the responsibilities of the office." The four-year Assembly term proposed by McCarthy is designed, he says, to combat the subtle and not-so-subtle pressures that confront and may corrupt Assembly members, especially those in marginal districts.

The Speaker's majority floor leader, Assemblyman Howard Berman, is impressed by McCarthy's honesty, but looks at the four-year term proposal more as a reward for those members who have had to tough it out on occasion. He sees McCarthy's support for the unpopular idea of public financing of elections as better evidence of McCarthy's distaste for corruption. Berman was asked if he saw any inconsistency between McCarthy's aversion to corruption and the system of funneling campaign funds through the leadership into carefully chosen Assembly races. Berman remarked McCarthy lives with this reality, but doesn't particularly like it. Because McCarthy feels the Democratic team must do well, and it takes money to run campaigns and win, he raises money. But special-interest money is minimal to non-existent unless accepted directly by the Assembly member.

There is a unique combination of abilities in the McCarthy arsenal: He is well versed in the issues and knows how to develop and sell a legislative solution; and he is a master political technician who knows about running campaigns and selling candidates. There is at least one other politician in California who can claim these same abilities — Congressman Phil Burton. Supporters and detractors asked to compare the two men agreed in their assessments: Both men are shrewd and articulate. Both are fiercely loyal and never forget a slight. Both are dedicated and will work 24 hours a day if necessary. Both are consi-



dered cold, at least by outsiders. The difference is personality. Burton is termed abrasive. McCarthy, by his own admission, is calculated not to offend. Family-man McCarthy has a droll and subtle, if ill-known wit, and is humble "almost like a priest."

Burton is rather imperial to staff. McCarthy wouldn't ask a staff person to do anything he wouldn't do himself. One day when the staff was to assemble at 4:30 a.m. to work on a door-hanger drive, McCarthy picked up some staff members at 4 a.m. and worked side-by-side with them during the day.

The agreement now in effect between the rival-political factions is more an armed truce than a joyous alliance. Everyone is being careful, but it could bust apart at any moment. The truce rests upon Burton's sphere of influence being recognized as Congress, McCarthy's sphere of influence being the state Legislature, and the fact that it's silly to waste precious resources fighting each other as long as the lines of demarcation are honored.

McCarthy and the Governor

Another example of McCarthy's team play is his relationship with Governor Jerry Brown. Although the Speaker refuses to talk about it, most of McCarthy's friends and allies credit a lot of what the Governor enjoys to McCarthy. Berman says McCarthy gets Brown to focus on urgent issues and brings him around to understanding the importance of keeping up relationships with individual legislators. Other McCarthy allies, who don't have the same relationship with Brown as Berman, are more explicit in their remarks. One, in particular, feels that the Governor isn't interested in occupying the role of political leader, so it falls to McCarthy. Berman implies the same thing when he says, "If you notice, Jerry, for all the talk about his relationship with the Legislature, has probably attended more events that help Democrats, especially

those in marginal districts, in the last year than any Governor in the entire history. That's a direct response to Leo's requests."

McCarthy, then, must both fulfill the political strategist role, and take responsibility for legislative solutions on issues. McCarthy fans point out that had Leo not been a team player, Brown could have suffered greatly. They point to three instances to support their premise:

Brown was committed not to allow any amendments to the farm-labor bill, so McCarthy played the heavy and brought a solution to the crafts-unit problem in the bill.

McCarthy was the key in stopping Brown from being overridden on last year's school finance bill. McCarthy reportedly disagreed with Brown's position, but felt he was on the spot to keep Brown's political prestige strong. If Brown had been overridden, McCarthy thought it would be destructive to the party.

Going against his own principles of a more democratic caucus, McCarthy worked a binding caucus position on his Assembly Democrats to preserve the Governor's position on the ALRB emergency funding bill. Whether this act of loyalty was worth the cost is yet to be determined as the board remains unfunded. Some of McCarthy's friends felt he should have held off on the binding caucus until the Governor obtained the needed votes in the Senate.

A different kind of boost was given Brown when McCarthy arranged significant help in the Governor's presidential campaign. Nancy Pelosi, sister-in-law of San Francisco Supervisor Ron Pelosi, is the daughter and sister, respectively, of former Baltimore Mayor Thomas D'Alesandro, Jr. (Old Tommy), and his son and also former Baltimore Mayor Thomas D'Alesandro III (Young Tommy). Through Nancy, McCarthy made key initial connections for Brown's campaign.

What's missing?

Even McCarthy's detractors say he handles power well. An ally, Assemblyman Lou Papan, says McCarthy is the same now as he was before he was elected Speaker. Yet, attributes that stem from control and discipline have never been McCarthy's problem. He already has patience and the wisdom to deny himself instant gratification as an investment towards achieving long-range goals. What McCarthy does lack is the ability to convey warmth publicly.

In the early 1970's, McCarthy went back to Washington with a group scheduled to discuss the Family Assistance Plan Bill with the then-powerful House Ways and Means chairman, Wilbur Mills. In the group with McCarthy were Assemblyman Bill Bagley, then-chairman of the Assembly welfare committee, Jack Veneman, then-undersecretary of HEW, and Congressman Phil Burton. Burton came in saying these people were "all right" and should be listened to, but it wasn't necessary. Mills had started his country-boy talk, and peach-rancher Veneman had jumped right in. Bagley figured coming from the hills of Marin should qualify him, so he joined the conversation. Burton was already an insider. McCarthy, who had studied the problem extensively, was cut out of the conversation because "he didn't know how to stretch his suspenders." After 20 minutes of farm talk, Mills said to leave the paper that had what they wanted and he'd take care of it.

McCarthy seems to be getting better at being spontaneous and conveying warmth. Now, when he greets political acquaintances back in San Francisco, he smiles and remembers to bring up mutual friends. As one older Irishman never particularly enchanted by McCarthy said, "If he gets that, he'll have it all."



CAPSTONE OF 1975, MILLSTONE OF 1976

Has Brown's ambition kept the ALRB bankrupt?

By Ed SALZMAN

Assemblyman Dan Boatwright of Contra Costa County is one of those Democratic legislators who is being politically impaled by the marathon deadlock over the funding of the bankrupt state Agricultural Labor Relations Board. Boatwright represents a constituency that is about evenly divided between suburbanites with some sympathy for the farm worker and rural interests more concerned with the farmer. Although he is under no immediate political threat, Boatwright needs a solution to the ALRB problem before he makes too many enemies on both sides.

That is a prime reason why Boatwright was designated author of the Assembly leadership's bill to put the ALRB back into business through a so-called compromise — a \$2.55 million appropriation plus the formation of a special committee to propose changes in the ALRB law, which was the capstone of Jerry Brown's first year as governor. Another reason is that Boatwright is chairman of the powerful Ways and Means Committee, and thus the logical sponsor of any major appropriation measure.

Although he is a shrewd team player, Boatwright is starting to blame Brown openly for keeping the ALRB broke and hurting Democrats with farm constituencies. "If he wanted to, he could resolve this whole thing in two hours," said Boatwright. The solution would be to negotiate the appointment of members acceptable to the parties involved to fill the three vacancies on the board.

Brown has the upper hand because grower interests are panicky that the initiative sponsored by Cesar Chavez and

the United Farm Workers will be approved by the people in November. That measure would put the ALRB law out of the reach of the Legislature, make several changes favorable to Chavez and guarantee future funding. With this hanging over grower heads, all Brown need do is offer rural legislators the barest bone to save face, and the emergency funding bill would be approved.

Brown's procrastination

Why hasn't Brown acted? Boatwright, for one, thinks Brown wants the stalemate to continue because it helps him politically and because it helps his ally, Chavez. Brown has nothing to gain by giving growers even a meaningless face-saving device.

Assuming that Brown's chief concern has been his presidential campaign, it could help him a great deal to take a hard line in favor of labor. The charismatic Chavez, a darling of Eastern liberal politicians, can do him nothing but good should there be a brokered convention in New York this July.

The emergency ALRB funding bill was designed only to keep the board in operation through the end of this fiscal year, June 30th. Money for the 1976-77 fiscal year presumably would be included in next year's budget. For a time, it appeared that this issue might hold up passage of the budget beyond the crucial July 1st date and thrust the state into another of the fiscal crises that were almost the norm a few years back.

From Brown's standpoint, such a conflict over the ALRB might be just what his presidential campaign ordered. Consider this scenario: Republicans and a few rural Democrats block passage of the budget. The media is full of stories about how Brown has stubbornly refused to budge on the issue. The state cannot pay its bills, and there is the prospect that state workers will not even get their paychecks on time.

July Democratic convention

Brown is scheduled to leave for the New York convention early in July, but he cannot go because he has to tend to the fiscal crisis back home. He will not yield. The convention opens without one of the leading contenders, Brown, forced to stay in California. Cesar Chavez emerges as Brown's spokesman in New York, telling the nation, but mainly the Eastern liberal Democrats, how Jerry Brown is hanging tough against the conservative Republicans and repressive grower interests. Brown himself couldn't do a better selling job.

Much as the Governor might prefer this scenario, it probably won't happen. Senator George Deukmejian, the Republican spokesman in the Upper House, claims the



GOP will not hold up the entire budget over the ALRB appropriation. The Governor, Deukmejian claims, has refused to negotiate because he believes the Chavez initiative will pass in November. "Maybe that's what he would prefer," added Deukmejian. The Republicans prefer to see the ALRB back in business by the November election so the chances of the initiative passing will be diminished.

Boatwright backed by Speaker Leo McCarthy, also says the ALRB won't hang up the budget — but for exactly the opposite reason. He says that rural Democrats cannot vote for a budget containing an ALRB appropriation unless an accommodation has been reached, and he feels that the leadership is not willing to hang these lawmakers out to dry. Some liberal Democrats now might like to see the issue go to the people with the ALRB still out of business because they prefer to see the Chavez initiative adopted.

Possible role switch

This raises the ludicrous possibility that when lawmakers get down to sharpened-pencil time this month, those who have been blocking the ALRB appropriation may want it in the budget, and those who have been promoting the money may want to see it out. The politics of the dispute were changed dramatically by the unprecedented success of the United Farm Workers in obtaining almost 720,000 signatures, more than double the 312,000 needed, in 29 days.

Brown, riding the issue for all it is worth with organized labor, told a union meeting that he would not "sell out" the farmworkers even if it took a decade to get the ALRB working again. "Compromise is fine," he declared, "but betrayal is not right." At the time he said it, some legislators weren't looking for a compromise — only a chance to save face.

When the dispute started, the growers were seeking significant changes in the law. Especially galling was an ALRB ruling giving union organizers limited access to workers even while they were occupied on private ranches. The farm interests wanted access provisions placed in the law. During the deadlock, three members of the board departed: Joe Ortega after being arrested, LeRoy Chatfield to join the Brown presidential effort, and Joe Grodin to earn a living as a law instructor and labor arbitrator. Walter Kintz, controversial chief counsel, also quit. These resignations gave Brown a chance to resolve the issue by filling the board with appointees acceptable to farm-belt Democrats. At this writing, the jobs are still vacant. The Governor faced the problem of trying to find qualified individuals who would accept appointment to a board without the wherewithal to pay their salaries.

Then came the apparent qualification of the Chavez initiative, and the dramatic change in the political equation. Martin Zainovich, spokesman for growers in the Delano

area, called the measure "an abortive, irresponsible and dangerously oversimplified approach to farm-labor relations." Growers throughout the central valley are predicting economic disaster if Chavez prevails.

Initiative memories

The grower interests have good memories. Only four years ago, the farmers attempted to obtain a solution for the labor problem by proposing an initiative of their own. It was defeated, 4.6 million to 3.3 million. Those numbers tell growers that they face an uphill battle, especially if the dispute is not resolved in the Legislature by November.

Chavez's initiative generally follows the line of the ALRB law enacted last year amid great hullabaloo and predictions that California's farm-labor strife was finally at an end. But there are some significant additions:

The controversial access rule, now only a board regulation, would be written into the law — and could be removed only by vote of the people or by United States Supreme Court action. (The current regulation has been validated by the state Supreme Court, but farm interests are appealing to the U.S. Supreme Court.)

Growers would be required to provide unions with lists of employees once the labor organization files a proper notice of intent to seek a representation election.

The ALRB would be allowed to assess triple damages against any union or employer guilty of an unfair labor practice.

Those attempting to decertify a union would be required to get the signatures of 50 percent of the employees stating that they no longer want that union to represent them. An election on the issue of representation would then be held. Under present law, a 50 percent signup is required to get an initial election.

In terms of the present legislative dispute, the initiative would foreclose a similar situation from ever arising again. This is because funds to operate the board would be guaranteed and the basic law could be amended only by another vote of the people, not by legislative action.

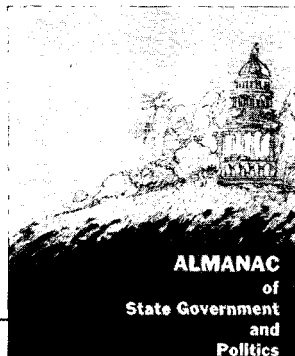
What started as a game of chicken in the Legislature has now evolved into a much more serious game for the rival forces. Compromise now appears out of the question. If the initiative passes, growers and their Republican allies in the Legislature will have made a gross tactical and economic error. If the initiative is defeated, the ALRB may well be out of business permanently, and Jerry Brown's great accomplishment of 1975 will become his disaster of 1976. At the very least, Brown will have to make major concessions if the measure loses.

That is why lawmakers like Boatwright would have preferred an end to the poker game before the stakes became so high.

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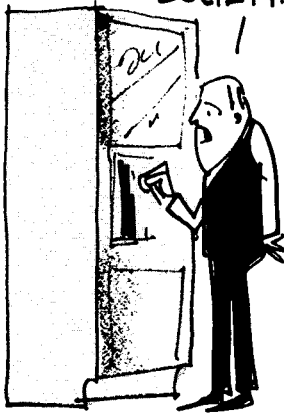
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Gaucus

by HUGO

CALIFORNIA HAS
BECOME A TWO BIT
VENDING MACHINE
SOCIETY.



PUT IN A QUARTER-
MAKE A DECISION-
HOT, COLD, WITH CREAM
AND SUGAR.



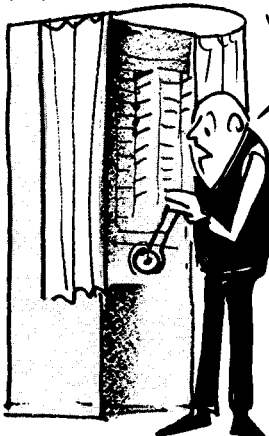
PUT IN A FEW
COINS, MAKE A
CHOICE AND- HAM,
PASTRAMI, TUNA ...



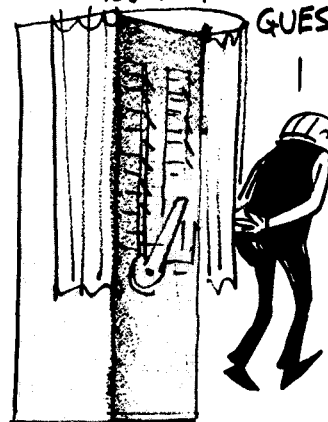
PUT IN SOME CHANGE -
CHOCOLATE
COVERED, WITH
NUTS,
WITHOUT.



THE ONLY ONE THAT'S
FREE IS THE ONE THAT GIVES
YOU A CHOICE
OF
DEMOCRAT,
REPUBLICAN,
PEACE AND
FREEDOM,
AMERICAN
INDEPENDENT.



YOU GET WHAT
YOU PAY FOR I
GUESS.



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SPACE-AGE SPOILS SYSTEMS

IS CIVIL SERVICE ABOUT TO BECOME OBSOLETE?

By DAN WALTERS

California's civil service system, created 42 years ago to remove political influence from public employment, is subtly but steadily dissolving into a morass of legal, financial and political uncertainty. The traditional system is all but dead, but what will succeed it is not yet clear as more than a half-dozen major interrelated factors vie for influence:

Labor unions are mounting well-financed drives to woo state employees away from the traditional employee associations, which are changing their own tactics to meet the challenge. Both groups are maneuvering for position in anticipation that collective bargaining will come to public employment in the foreseeable future.

Racial-ethnic minorities and women are pointing to statistics and demanding more proportionate representation among the state's nearly 200,000 workers.

As the Brown administration establishes a hard-nosed affirmative-action program to meet the demands of minorities and women, critics and white-Anglo males are charging that civil service rules are being undermined.

Ethnic and sexual groups and the employee groups are fighting over a pie that has stopped its rapid growth as layoffs and other payroll cuts bury the myth that civil service amounts to guaranteed job security.

Governor Brown is adding to the uncertainty surrounding civil service by proposing that another tradition, percentage pay raises keyed to prevailing wages, be dropped and state employees receive flat pay increases — a proposal that sends the higher-paid workers into fits of anger.

The State Personnel Board (SPB), which is supposed to preside over the system with neutrality, is undergoing a revolution of its own as it slowly implements new systems of choosing people for jobs and promotions — ways that critics say amount to a sophisticated spoils system.

The politicizing of civil service

As civil service grows less rigid, it also becomes more malleable and susceptible to political pull and inside influence. Conversations with employees, officials of state employee groups and upper-level bureaucrats and politicians reveal that virtually no one likes the system. The employees feel the system discriminates against them for one reason or another, the employee groups are torn by uncertainty over the rules of the game, and those at the top see the system as rigid and unwilling to bend to policy changes. But the bitterness at all levels is masked — in itself a symptom of the system's problems because would-be critics are concerned that their own careers could be

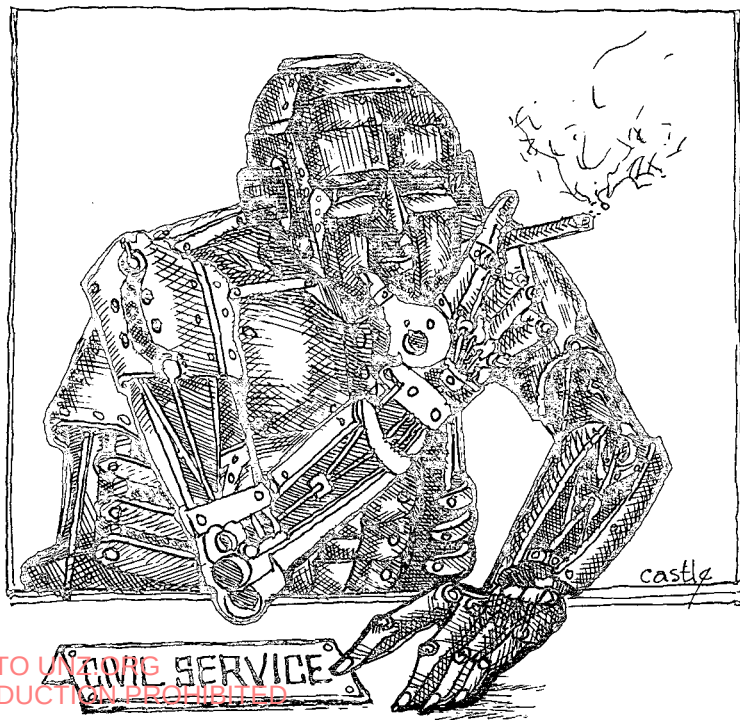
threatened. "I'm not about to stick my neck out," state Department of Health employee Clair Murphy responded when asked about one situation.

Uppermost in everyone's mind is whether California will continue to have any sort of civil service system. For several years there has been general agreement among employee groups, unions and the political leadership of the state that there should be collective bargaining for public employees. When Governor Brown endorsed the concept last year, it seemingly would just be a matter of working out the details for enabling legislation to clear the Legislature.

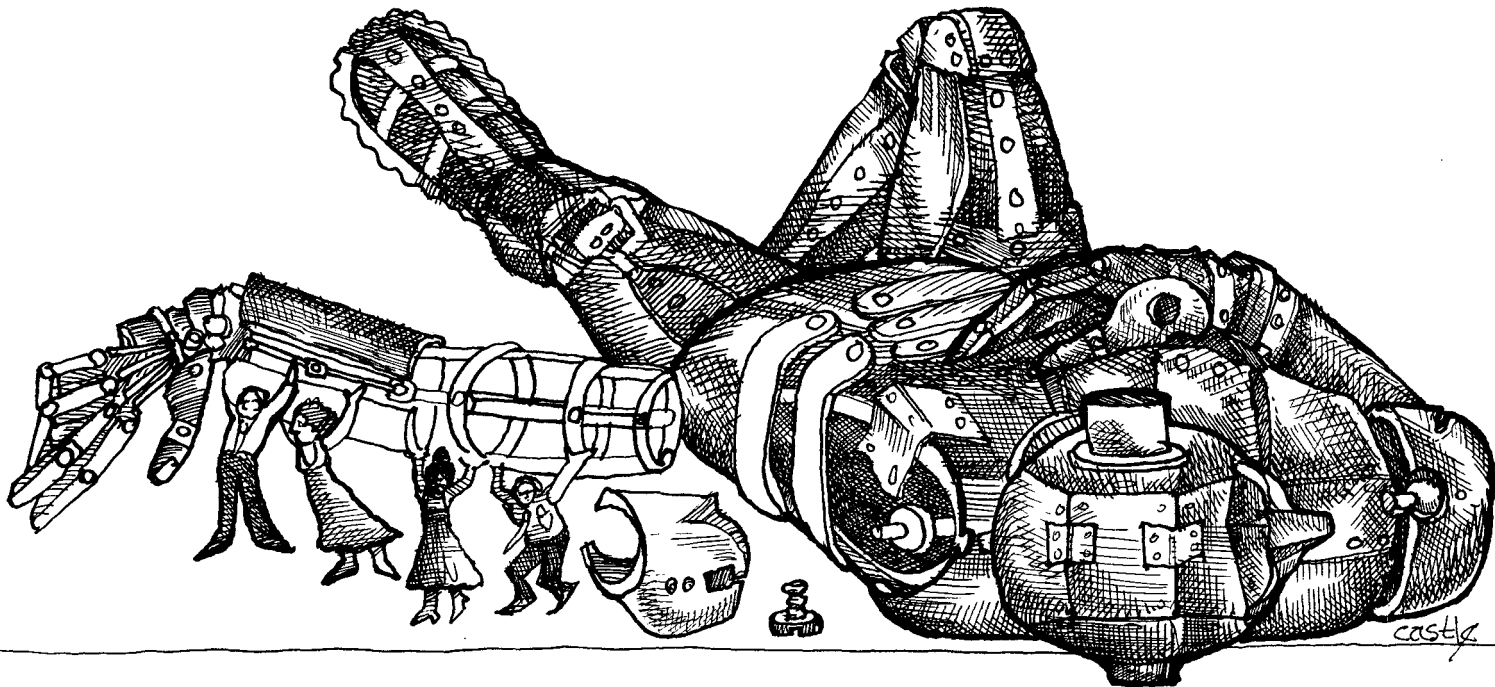
Those details proved to be tougher than anyone had realized as employee groups jockeyed for relative position and governmental entities, especially local governments, tried to retain as much authority as possible. The San Francisco police strike and the New York City financial crisis, caused in large part by municipal union demands, removed much of the public support for collective bargaining. Finally, a bill only affecting educational employees was enacted in 1975. No serious effort is being mounted during the current session for collective bargaining legislation.

Inevitable fate

But there remains a sense of inevitability about collective bargaining. Marty Morgenstern, Governor Brown's director of employee relations, a former official of the



The author covers state government and politics for the Sacramento Union.



California State Employees Association (CSEA) and a veteran of New York City public-employee battles, is an advocate of collective bargaining and one who sees it slowly eliminating civil service. Working conditions and other matters now handled by the system, Morgenstern believes, will be succeeded by contracts hammered out at the negotiating table.

Unions, both those of the AFL-CIO and independents such as the Teamsters, look upon the state government as a lucrative source of new members. There is a concentrated effort going on now to woo away tens of thousands of clerical workers from CSEA. Most of the clericals are women and the AFL-CIO's Clerical and Allied Service Employees Union (CASE) has mounted an aggressive organizing effort keyed to women's rights and the low salaries paid to clericals. The clericals make up about 12 percent of CSEA's membership — a 12 percent that has been quiet in years past while CSEA was operated by senior supervisory and professional workers, almost all of them men. The Teamsters made a stab last year at organizing highway patrolmen, now represented by the California Association of Highway Patrolmen, and the Operating Engineers made overtures to prison guards already represented by the California Correctional Officers Association.

Labor is encouraged by the Brown administration's generally cooperative attitude — one displayed by the year-long struggle over flat pay increases. CASE and other unions representing lower-paid workers such as the Service Employees International Union (SEIU), Local 411 have been proposing that instead of employees getting percentage raises based on prevailing wage surveys, everyone get the same dollar increase that would mean proportionately more to the lower end of the spectrum. Brown bought the idea, couldn't get it through the Legislature last year, but is trying again this year.

Trapped on all sides

Philosophy aside, the proposal has several important practical effects. First and foremost, it splits the membership of CSEA and creates a monumental headache for its leadership. Whichever way CSEA turns, a substantial number of its members will be unhappy. With such unhappiness comes opportunity for organization by AFL-CIO unions. CSEA flip-flopped several times this year, finally endorsed the proposal with reluctance and is incurring the wrath of its professional employees who get raises as low as two percent under the \$70-per-month plan. CASE is con-

tinuing its organizational efforts by claiming credit for success in moving the flat pay plan. The governor, therefore, furthers his philosophical goals and helps his friends in organized labor at the same time — a neat one-two punch.

CASE is pinning much of its organizational drive on the sexual and racial division that is increasingly a factor in the civil service system. It is charging the State Personnel Board with holding down the salaries of women workers in relation to those paid to men — pointing out, for example, that beginning clerical workers are paid much less than beginning janitorial workers although clerical positions demand higher educational skills.

Statistics prepared by the SPB indicate that although women have a numerically proportionate share of state employment, they tend to be clustered in what critics call "low-paying, dead-end jobs." Racial-ethnic minorities such as Blacks and Chicanos fall far below their proportion of the population in state jobs. Chicanos have only 5.4 percent of the state's jobs, for example, even though 13.7 percent of the state's population is Latino. The Reagan administration had a pro forma affirmative action program to meet these complaints, but the Brown administration has accelerated the program into something that approaches, if not incorporates, a quota system played by the numbers.

Each state agency has developed an affirmative-action plan with numerical goals to be achieved. Those who operate and monitor the program contend that it is aimed solely at eliminating artificial barriers to the hiring and promotion of women and minorities without sacrificing standards or the rights of male non-minorities in the process. But there is circumstantial evidence that the program goes beyond that point into what Glendale Assemblyman Mike Antonovich says is a quota system "that has no place in a society where people are supposed to be judged according to their qualifications and abilities."

There is a Department of General Services memorandum dated last October which states: "As a new statement of policy, the executive office has indicated division chiefs are not to pick the best qualified per current rules, but will select a minority or a woman if possible even though he or she may be further down the list." Greg Lipscomb, a deputy director of general services, prepared a handwritten memo explaining further: "So long as a minority/woman meets minimum qualifications, pick them. If reservations, explain to me. 'Pure merit' is out. 'General merit' is in."

In many departments, affirmative action officers have become virtual czars over personnel matters and middle-level bureaucrats complain privately that their own careers are threatened if they protest. One who did complain publicly is Robert Boggs, a 14-year veteran of state service and a middle-manager in a Department of Health office. Boggs wrote a letter to the *Sacramento Union* complaining that he had been ordered to fill clerical vacancies with minorities regardless of qualifications. The letter, never published but known to exist, resulted in a memorandum being issued denying that any such order existed and Boggs' being transferred to another make-work job for three months in what he regards as punishment.

The affirmative action program has some odd results — such as the case of Los Angeles parole officer Randall Yamanaka. Yamanaka is an Asian and the Department of Corrections' goal is to match its parole officers ethnically with parolees. There are few Asian parolees. Yamanaka contends he was denied a transfer because of the policy. He obtained a transcript of the oral board proceedings in which his transfer request was considered. It implies that he was being denied consideration because higher-ups wanted a Black person. A Black ultimately got the job.

Morgenstern says affirmative action represents "a sincere effort to live up to the law," although he adds, "It's a confusing body of law." The civil service system with its tests and eligibility lists often discriminates against minorities and women, Morgenstern continued. "Some of your merit systems are not meritorious at all. The selection process is a negative process. We are trying to open the jobs up to other people, but in a fair and meritorious way. But there's always going to be individual wrongs."

Personnel Board in middle

The State Personnel Board is caught in the middle of the war. Concerned about a civil rights lawsuit, it promotes affirmative action more aggressively than the Reagan administration but stops short of the Brown attitude. "It's a losing situation on either end," says Burton Oliver, the SPB assistant executive officer. "In general, what we are saying is they (state agencies) have to hire so that their workforce achieves ethnic balance."

One of the major tools in the affirmative action program is the substitution of oral interviews for written tests in civil service job selection. The conversion from written to oral began more than a decade ago and has been fostered by the SPB. The rationale for the shift is the inflexibility of the written test and the suspicion that it does not validly measure suitability for a position. Oral interviews by persons experienced in the field are more rational tests, supporters say. The oral interviews also are more prone to manipulation.

"What happens is that the managers get together beforehand, and generally agree on who they want to get the job," one veteran of bureaucratic wars reveals. "The oral interviews confirm the process. As long as the managers are being honest, the system works out all right." But the reasons for being pre-selected may range from competence through affirmative action to bureaucratic maneuvering and political influence. A number of Reagan administration people wound up in safe civil service jobs in the closing days of the eight-year reign because the oral interviews placed them at the top of the eligibility lists.

Abuses of system

The process is not unknown since Edmund G. Brown Jr. became governor. Avery Taylor came into the administration as public affairs director for the Department of Em-

ployment Development. She left EDD after its director, James Lorenz, was fired by Brown and surfaced in the State Department of Consumer Affairs. Just before her nine-month temporary appointment there was to expire, her department applied for creation of a new classification entitled "consumer liaison officer" that would encompass duties normally performed by a public information officer.

Without creating the new position, the department would have been compelled to hire someone from the public information officer eligibility list. Applicants for the new position were given less than a week in which to apply, and applications had to be submitted in person during one three-hour period. The oral interview board included Taylor's boss, who had chosen her for the temporary job. The State Information Officers Council protested, and the SPB ordered a longer application period. The council charged that the position was being greased for Taylor.

Other, similar cases have arisen. One involved the State Energy Commission when the SPB forced it to abandon plans to create a new high-level position seemingly tailor-made for Vic Biondi, a former television newsman and pal of commission member Bob Moretti. The SPB also blocked efforts by the Department of Parks and Recreation to create a new position with Dr. Knox Mellon, husband of Brown's appointment secretary Carlotta Mellon, in mind.

The public still regards civil service as a rigidly fair system of selecting workers without regard to political pull or other criteria. The system probably has never risen to that ideal but, with the great pressures, both political and social, now being exerted, it is moving even further away. Will a spoils system be once again imposed? Will negotiated contracts succeed civil service rules? Will the warring sexual and ethnic factions be reconciled? These are questions not yet answered. 

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What happened after the cement cracked (around Reagan's feet on withholding)

By DAVE METCALF

When Ronald Reagan took office in 1967, he proclaimed that his feet were "in concrete" in opposition to the principle of payroll-deductions for collection of the state income tax. Reagan said that he would accept "withholding" only "if they hold a burning blowtorch to my feet." State fiscal experts held something even more potent than a blowtorch - a heavy state debt - and slightly more than three years later the concrete shattered at Reagan's feet. Reagan's main complaint against withholding was that "taxes should hurt" and that payroll deduction would enable the state to extract tax dollars from the citizen relatively painlessly. Was that complaint and the other arguments against withholding justified?

By 1967, 18 of the 30 states using withholding had increased their income taxes since adopting withholding. That has not happened in California, however, and there is now probably more pressure to reduce income taxes than to increase them. This is primarily because inflation has put Californians into higher and higher tax brackets, increasing revenue to the state and reducing the purchasing power of the worker's salary.

Theory vs. practice

Those who opposed withholding in the pre-Reagan years contended that it was folly to assume that the state would catch many income-tax evaders through payroll deductions. However, the old enforcement program proved relatively ineffective against those who moved in and out of the state, or even within the state, and did not file returns. Withholding catches these potential evaders, and the Franchise Tax Board estimates that this has produced about \$30 million a year in additional taxes. It was also argued that withholding would hurt owners of small businesses, which were already at a theoretical disadvantage competing with large

corporations. But those who administer the program have received very few complaints from business people since they are already required to withhold taxes for the federal government, and the paperwork for the state is almost identical. In addition, the state allowed small firms to report quarterly, while large corporations had to file monthly.

Some supporters of withholding had to concede that there would probably be an increased administrative cost in collecting the income tax. The number of returns received for 1972 jumped 1.3 million — by far the greatest increase in history. Audit costs rose accordingly. But, overall, costs did not increase to predicted levels because forecasts of over-withholding and refunds proved to be too high. Explained Martin Huff, executive officer of the Franchise Tax Board: "From the state's point of view, withholding is really a plus in that it's more economical for us to make refunds than to collect additional taxes."

While all these arguments against payroll deductions seem weak in hindsight, they were potent politically when attempts were made to push withholding through the Legislature. But the state's cash-flow and deficit problem was so critical at the turn of the decade that there was talk about the state's issuing registered warrants to pay bills. (These are promises to pay but without money in the bank to back them up.) There were only two real alternatives — a substantial tax increase or withhold-

ing. The concrete cracked, and the state solved two problems at once — an uneven flow of money to the treasury and an end to the 1970 deficit.

Lopsided past

The state spends money fairly evenly during the year, but its pre-withholding income was lopsided, with most income-tax revenue arriving just before the April 15th deadline. Since withholding, funds flow into the treasury approximately at the same rate as they are dispensed.

Tax collectors have found few complaints by the taxpayers over the loss of the use of income-tax money during the year. Theoretically, the taxpayer could be investing the money taken from the paycheck and earning interest. But the public found paying the April 15th lump-sum more onerous, and taxpayers seem to consider refunds as something akin to bonus spending money.

The most significant effect of withholding for the state is probably the speedup in the relationship between economic growth and tax revenue. There used to be a lag averaging six months. The state now gets the benefits of this growth almost immediately. This produced an additional \$80 million the first year, though the dollar production decreased the next few years as the economy dipped. Withholding also helps the state forecast economic conditions. According to Finance Director Roy Bell, it provides a very quick indicator of salary and wage fluctuations. Before withholding, that information was obtained yearly only, and by then it was already obsolete.

All taxes are considered onerous, and nobody claims to have developed the perfect tax system. There can be little argument with the overall benefits of withholding, however. Despite the "concrete" stands taken by the opponents for many years, even some who formerly were against the practice now agree with Huff. "One of the biggest minuses of the withholding system," he said, "is that it wasn't adopted earlier."

The author, a student at the University of California, Davis, prepared this article as a Journal intern.



REGIONAL REPORT: The Cow Counties

Where California voters still touch the candidates

By GINNY MCPARTLAND

The rural Northern California legislators in some ways assume a role similar to the old-time country doctor. They travel hundreds of miles to meet with people with problems and try their damndest to please these people. To the average voter, they are the good guys and when they manage to visit the farthest reaches of the district, they are almost always assured of a fond reception from constituents. This legislator is the voter's only link to alien Sacramento.

Besides covering a much larger geographical area, what makes the rural legislator so different from an urban representative? The relatively undeveloped nature of party politics in rural areas, largely due to lack of organization among voters in general there, accounts for many of the differences. The rural legislator is not expected to be a good Democrat or a good Republican. He or she is expected to look out for the interests of the farmer, the small town dweller, the lumber industry, and to preserve the rights of the property owner. While having to keep abreast of the issues, the rural representative is not subjected to party pressure as urban legislators are. Often, it is difficult to tell from the voting record whether a rural representative is a Republican or a Democrat.

Urban special interests - (labor, welfare and other civic rights organizations and ethnic groups) largely dictate how an urban legislator will vote on issues, according to former Assemblyman Ray E. Johnson of Chico. "A rural legislator can be more of a leader," Johnson commented. "Some of those city representatives are nothing more than stooges for pressure groups. Rural voters have a different attitude; they want their

The author, a frequent contributor to the Journal, is a free-lance writer living in Groville.



interests represented but they don't apply pressure on a particular bill."

Individual over party

Rural voters tend to judge a candidate as an individual rather than voting a straight party line, according to former Butte County state Senator Stan Pittman. "They have more of a chance to think for themselves," he noted. Cow counties with traditional Democratic majorities in voter registration usually go Republican on election day, he pointed out. While parties generally lack organization in rural areas, the Republicans appear to be better organized than the Democrats. In Butte County, which is often referred to as "Orange County North," there is a relatively strong Republican organization with a women's club and even a high school group

called "Teenage Republicans (TAR)." Democratic activists, who can't keep a Democratic Club alive, complain, "You have to look a long time to find an active Democrat in this territory."

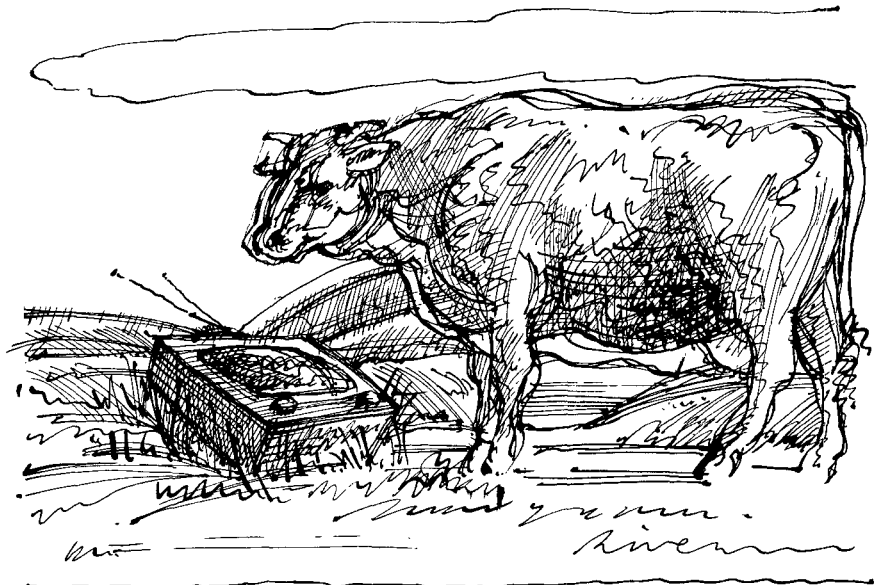
In their efforts to keep on top of local issues, rural legislators often depend on local city councils and boards of supervisors to keep them informed. This method usually works, especially on issues relating to small government problems needing special legislation. But on less obscure issues where there is public interest, a legislator can get into trouble accepting the official local-government view of a problem. Assemblyman Eugene Chappie encountered resistance earlier this year when he sponsored legislation to appropriate money for a small temporary dam on the Feather River near Oroville. Chappie was told

by local government officials that support of the dam was unanimous, but found out later there was a ground swell of opposition to the proposal. In an election year, he found himself in a "damned if you do, damned if you don't" situation. When a legislator has a huge area to represent, it is easy to see how the unofficial local view can be misrepresented.

Rural interests are difficult to represent because of their remoteness, but also because of their diversity. A rural legislator represents a wide range of interests, from farming to recreation, to water resources, to local government's struggle with regional agencies, to highways, to land use, to specialized local issues. New highway projects and improving present roadways, constantly pushed by Senator Randolph Collier of Yreka, will benefit the farmer in getting his product to market and the logger in bringing his crop to mill. But they will also benefit the urban resident who likes to travel by automobile. Better roadways improve his chances of moving to a less populated area when, because of improved transportation, light industry begins to locate in places like Marysville, Yuba City and Oroville, where the unemployment rate is especially high now.

Legislation making the climate more favorable for the farmer may have the effect of keeping more land in agriculture, a result probably desirable for all Californians. Water projects, which generally originate in rural areas, benefit water and power users, would-be flood victims and swimmers and boaters. City legislators' efforts are generally concentrated on urban problems which seldom touch the rural resident, according to Pittman. The rural politician is in the unique position of being one of maybe two state representatives in a vast and diversified district. His position entitles him to much public exposure, which can work both to his advantage and disadvantage. Rural districts in California are mainly stretches of farm land scattered with small communities. Each small town has a group of politically interested people who closely scrutinize the visiting legislator.

"He lives in a glass cage. His actions are watched very closely," Johnson observed. The former legislator related his experience in visiting small towns where there were only one or two good restaurants. Naturally, he would be noticed and greeted by dozens of local residents while out for dinner. In the city, legis-



lators have a choice of hundreds of restaurants and may not run into anyone they know.

Small town celebrity

Almost every small town also has a newspaper, however small, and a rural legislator can always expect considerable play when he visits the area. A speech delivered before a local service club will be reported in detail complete with photographs. Press releases may well be printed verbatim. One Northern California newspaper has been known to print a Bizz Johnson press release as its lead story and give the Congressman a by-line. A shortage of news may explain this practice. A visit from a state official may be considered "big news" in many rural areas.

This public exposure, especially newspaper coverage in small towns, continues to work for an incumbent in an election year. But the small press' liberal attitude toward the incumbent carries over into its coverage of opposing candidates. The first stop for a Senate or Assembly hopeful is always the local newspaper office and radio station. That visit is seldom in vain, usually yielding a major feature story on the candidate's background, appearance and views on the issues. When state senatorial candidate Ray Johnson flew into the Susanville airport recently in a helicopter piloted by his Vietnam veteran son, the event merited front-page coverage in that community's paper. A candidates night, especially close to election day, usually gains considerable coverage.

Urban press coverage of such events is minimal due to the large volume of news. News editors explain that covering all but the major races in any depth would consume a monumental amount of time and space. George Shaw, a candidate in the third Assembly district, notes

that the rural press tends to be more conservative than the urban press and, as a result, a liberal candidate might be given a scathing review. But he adds that bad publicity is better than none at all and many rural readers do not agree with their newspaper's editors anyway.

"People tend to read the news better than they read a political advertisement. A political campaign in a rural area is less expensive because of the free exposure possible in the local press," Shaw said. "An urban candidate has to buy more advertising to get the same newspaper play. He is forced to buy television advertising, which a rural candidate only buys if his campaign funds are abundant."

Television no advantage

It may be just as well that television advertising is not often economically feasible since rural voters seldom are impressed by the "show-biz" approach suggested by television spots. Former state Senator Pittman said he lost interest in campaigning when he realized he would have to use television advertising and computer print-outs of voting patterns to keep up in a much larger district. "About all you can say in a 30-second spot is, 'Hi, folks,' and maybe that is all you should say," Pittman said, referring to the superficiality of television. He said it did not seem "honest" after dealing with constituents face-to-face.

Campaigning in rural areas like Butte County, where voters still expect personal contact with a candidate, must include door-to-door canvassing and small social gatherings. A media approach does not win votes of the old time political activists who remember well when they had their own senator. Baron Reed of Roseville, who challenged Assemblyman Chapie in 1974, almost unseated the 10-

year incumbent through a heavy personal-contact campaign. George Shaw came close to unseating former Assemblyman Johnson of Chico in the Fourth District race in 1972 with a similar approach. Jack Carrico, a Sutter County attorney and rice grower, was eliminated in the 1974 primary after he practically tried to buy the election with billboards and media advertising, neglecting the voters' desire to get to know him first hand.

The rural voters also expect their representatives to show by their background that they are fine upstanding citizens. Community activities (such as service on the city council or board of supervisors, involvement with the boy or girl scouts, Rotary Club and town projects) weigh heavily. But, perhaps more important, is occupation. Few attorneys and college professors are elected from rural areas, unless they can show something else to qualify them (perhaps ownership of a cattle ranch or a successful business.) It is important to rural voters that a legislator have experience with major industries within their district, according to Johnson. He said, farmers vote for farmers, who are running less and less now that legislating has become a full-time job.

Chappie of the third Assembly district and John Garamendi of the largely rural seventh Assembly district are both rancher-businessmen while Randolph Collier, who represents the vast northern first Senatorial district, was a businessman before his election in 1938. Pauline Davis of the first Assembly district worked as a traffic operator for the telephone company and as a railroad dispatcher before marrying her late husband, Lester Davis, whom she succeeded in the Assembly. Clare Berryhill, who represents the third Senatorial district, lists his occupation as a rancher and businessman.

Rural voters demanding

Why do rural voters tend to demand more from their representatives than urban voters do? The less transient rural residents voted in the same precinct last time and will vote there again next time around. They remember campaign promises and know whether promises were kept. They may have lived in the same place their entire lives and feel they have the right to expect some permanence and consistency from the legislator. The core of local political activists will always be watching their representative.

Perhaps the slower, less sophisticated social life in the country is conducive to a more intense interest in politics, both local and statewide. With fewer forms of entertainment in a farm town, a political get-together may be more attractive than it is in the city. Groups like the Republican Women's Club and the League of Women Voters are often as much social as they are political. The press exposure afforded to political figures probably accounts, too, for the greater attention focused on the political scene. Since there is less partisan organization in the cow counties, more interest may be generated by the freedom to choose a candidate regardless of his party affiliation.

The rural voters' expectations may have to change, however, with the as-yet-not-totally-felt reapportionment of the less populated regions, especially the senatorial districts. With the 1965 U.S. Supreme Court decision which mandated the drawing of district lines according to population, rural interests lost 14 Senate seats to the most populated county of Los Angeles. The reapportionment has now left rural voters, who either had their own senator or shared with only one or two other counties, with one senator representing 15 counties. An assemblyman who represented

five valley counties now has seven counties, including foothill and mountain territory.

The physical limitations alone are enough to severely hamper a legislator's attempts to adequately cover such a large geographical area. As a result, rural residents are forced to become more vocal, exert more pressure to vie for the attention of their representatives. They may still want to scrutinize but may not have the opportunity. In a district like the third or seventh Assembly districts which include Lake Tahoe as well as valley farm communities with vastly different problems, Chappie and Garamendi have their hands full keeping up with what their constituents are thinking.

With the loss in number of rural legislators, the cow counties have also lost their influence in the state Senate. The Senate provided a check against the overpowering by urban interests before 1965, according to Pittman who lost his seat as a result of the 1966 reapportionment. Prior to that, there were 14 "cow county senators" and 26 urban senators, so a balance of power was achieved. When the urban interests gained control in the Senate, the largely non-partisan upper house became controlled by partisan interests, Pittman said.

For someone like Pittman who represented his own cow county for four years, reapportionment was the "crime of the century." Campaigning for rural votes used to mean attending Rotary Club meetings, waving as you passed a neighbor and becoming involved with community projects. Before reapportionment, a rural senator could keep aware of his district's problems, and seldom did warring interests within the district present serious representation problems, Pittman said. "In those days, you felt like you could accomplish something. Now it would be frustrating trying to represent too many interests."

Pittman warns that Southern California now has the power to take away many of Northern Californians' rights and control its natural resources. He predicts there will be an encroachment on property rights through land-use restrictions and condemnation of land for scenic easements. The quality of schools and highways will suffer and agricultural interests will be hurt by restrictive legislation, he says. "It's already happening," Pittman lamented. That's why Sacramento, an island of government in California's agricultural heartland, is viewed as alien territory.



THE ZANY POLITICO ZODIAC ZOO

By ED NEVILLE

In the mid-70's, traditional party lines seem to mean less and less while smaller common-interest groups of legislators (such as the Black and Chicano caucuses, women's movements, environmentalists) are becoming a major factor in tracking legislative voting. Our consulting astrologer already claims to see early evidence of legislators aligning along zodiacal persuasions. In the future, legislative coverage may have to center around sun-sign caucuses. If that happens, a legislative summary will look something like this:

ARIES (March 21 - April 19)

As usual, this impatient, aggressive and quick-tempered group is pressing for a requirement that all bills, including the Tri-Centennial Act, contain an urgency clause. Its policy committee has drafted a resolution calling for the freeing of legislators from dull committee work — roll call votes and deliberation of any kind. The resolution would replace the present voting technique with one in which "ayes" are signified by a blast on an air horn and "nays" by a punch in the nose. Our sources indicate, however, that the resolution may never reach the floor because caucus members keep ripping the preliminary drafts to shreds and stuffing the pieces in each other's ears.

TAURUS (April 20 - May 20)

Reliable, patient and never hasty, the Taurus caucus convenes every ten years in Benicia to debate moving the capital to Sacramento. Its efforts to prevent news leaks on the gold discovery in California is languishing in committee, hampered by the delay in transit of important documents being shipped around the Horn. Last week, the group completed its most recent budget review and sharply criticized Governor Knight's proposal to pave more highways in Southern California. The caucus leader said that no hard evidence has been presented to support the speculations of population growth in or around any of the southern Missions. The next meeting for this caucus has been tentatively scheduled to coincide with Armageddon.

The author is a curmudgeonly state bureaucrat and astrologer.

The versatile and talkative Gemini is vacillating on which of the 14,737 items under active review by their caucus should receive priority attention. Unfortunately, the caucus has not been able to get its members to sit down long enough to manage a quorum since the turn of the century. The caucus leader (a former court-tennis professional, specialist in rabbit-brain surgery, panty-hose tester and authority on antique shoe horns) commented on the Governor's recent speech: "We strongly support what's-his-name's proposal with only serious reservations about the feasibility of the obviously excellent but questionable methods for eliminating those absolutely vital services. I'm sure most Geminis will come down firmly on all sides of the issue."

CANCER (June 22 - July 22)

At its recent pot-luck dinner in the home of a member, the sensitive and emotional Cancer caucus completed its séance in time to produce a press statement. With tears streaming down her cheeks and chocolate pudding down her pantsuit, the assistant caucus leader pleaded for support for her bill to deregulate elephants as house pets. Thoughtfully rubbing the spots on his tie, the leader affirmed his heartfelt support for this deregulation, adding that "total deregulation of motherhood, home, family, church, wiener roasts and the Waltons is the only way to get the voters out of the Assembly chambers and back in the home where they belong!"

LEO (July 23 - August 22)

The colorful and enthusiastic Leo caucus, with headquarters at the Hearst Castle, is remarkable in that it has six chairpersons but only five members. During the recent struggle for Assembly leadership, this caucus split its votes evenly, each member voting for himself. All five members have announced their candidacy for Governor and have assigned their 2,000-member caucus staff to preparing for the upcoming election which, as the members point out, "is only three years, eleven and a half months away." The group is sometimes criticized for dressing its staff in brocaded livery and powdered wigs. The caucus members, all of whom

are former talk-show hosts or anchor-men, are considering merging with the Pisces caucus in an effort to recruit someone as assistant caucus leader and weather reporter.

VIRGO (August 23 - September 22)

This small, two-member caucus has devoted its time to checking the addition in the Budget Bill, emptying ash trays and issuing critical reports on the lack of symmetry created by having committees with uneven numbers of members. This caucus does not have an official leader, but there was a bitter struggle for the assistant leader slot between the two members. Located in a stainless steel shower stall which serves as an office, the assistant leader agreed to an interview provided we sterilized our pencil, tape recorder and tongue and straighten our tie. While disclaiming credit or responsibility for participation in anything, the member listed as the priority issue — carrying dol-



lar figures in the budget to the fourth decimal place.

LIBRA (September 23 — October 23)

We were fortunate to catch a key Libra caucus member in his elegant Louis XV suite of offices, normally located in any of the area's finest restaurants or discotheques. Creeting us in a mauve Norfolk jacket, a stunning puce vest and a luscious lemon-meringue paisley tie, the member diffidently explained his lack of trousers. "The press of a busy schedule of updating my list of the Governor's daily appointments to the Arts Commission made the late morning ordeal of choosing appropriate pants more than I could face." When questioned on the often-heard criticism that the Libra caucus is somewhat indecisive and inconsistent, the member had this comment: "Ch, pooh! We have consistently supported every motion for further study." The caucus is hopeful its move to

add a "maybe" button to the voting procedure will be successful.

SCORPIO

(October 24 — November 21)

The mysterious and widely feared leader of this powerful caucus was located at his Slide Mountain fortress chalet. When we asked about the action priorities of the Scorpio caucus, we were seized, searched and held for security clearance. Later, in the dispensary, we were told this information was classified. No one has yet broken the caucus code. The influence of the group, while considerable, is diminished somewhat by its insistence on a guarantee of immunity and full security precautions prior to casting any vote. We have learned from a former staffer recently granted asylum by the State Library that the caucus is negotiating for bullet-proof toilet stalls and abrogation of the extradition treaty with Orange County.

SAGITTARIUS

(November 22 — December 21)

This lively, devil-may-care caucus recently made one of its infrequent Sacramento stops in it's R.V. caravan. Sometimes characterized as capricious and unruly by party leaders, this group has a well-earned reputation for voting independently without regard for political advantage, public opinion or common sense. Questioned about its support for a major hydroelectric dam project in Mojave's famous Dry Creek Flats, the caucus leader jovially dismissed the .00003 inch average annual rainfall at this site as "a petty detail, better left to the bureaucrats to work out." "Our rate of absenteeism is over-emphasized," said the caucus leader. "Actually, in the past year, our members cast several votes in the Colorado senate, and one each in the Dominican Republic, Woomera, Australia's Territory Congress and the Biennial World Numismatic Rally in Bogota."

CAPRICORN

(December 22 — January 19)

Probably the only caucus to own a seat on both the New York and American stock exchanges, this oldest of all caucuses meets only on rainy or overcast days. The caucus leader (called a Seneschal) is the fifth generation of his family to hold this hereditary post. He told us of the caucus's recent proposal to purchase California and lease it back to the voters when we met with him in the boardroom of caucus headquarters in Delaware. The widely rumored attempt of the caucus to

take over control of Oregon and Nevada by offering a three-for-two split was emphatically denied by the leader. "Actually, our offer of Catalina and Alcatraz with an option on Mount Whitney was tendered directly to the Hughes Corporation, but we found the Hughes lease on Nevada had expired."

AQUARIUS

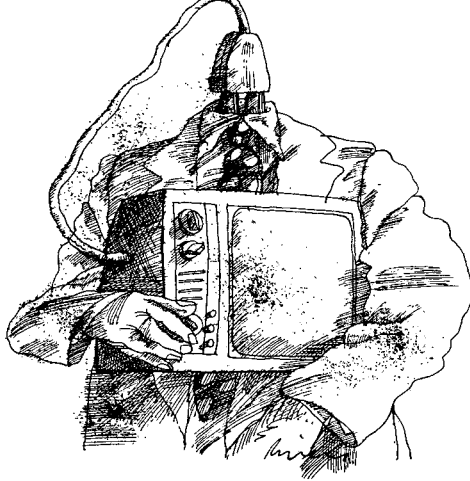
(January 20 — February 18)

We caught up with the chairperson of the Aquarian caucus as she jogged across Capitol Park. Hailing us with the traditional Aquarian greeting, "Whatever your cause, we (wholeheartedly) support it," she nimbly sprang over the two hit-and-run victims in the cross-walk and around the mugging in progress. "Things look great!" she assured me. Ducking behind the columns to avoid the automatic weapons fire, we squatted in the area of the west Capitol steps which serve as the permanent headquarters and protest march start/finish line for this caucus. Questioned on priority matters for the caucus, she snorted impatiently, "Everything's top priority. Everything has to be done now. We care . . . we really care. How can anything be second if you really care?" Jogging off in the direction of the burning effigies, she yelled back over the roar of the explosions, "We're with you (wholeheartedly) all the way — we really. . . ."

PISCES (February 19 — March 20)

"It wasn't until we began the lute lessons that we could get our members to even attend," the Pisces leader murmured as she watered her plants. Asked where the caucus met, she quickly offered to change the location if we wished — or swear to stay in the same place forever or never meet again or. . . . Calming her, we asked about the number of caucus members "three-uh-six-uh, too many?—four-or would you rather we have more . . . like seven?" The Leo caucus recently accused the Pisces caucus of voting its emotions rather than its common sense, upon which the entire Pisces caucus burst into tears and fled the chambers. The Pisces caucus leads all others in being mugged, failing to balance check books and losing office keys. The caucus plans to introduce legislation for the first time in thirty-seven years that would require all prime-time network shows to have happy endings. The caucus leader's only concern was the eventual need for Pisceans to vote on this proposal. "It's so hard to be pushy like that. Perhaps if we wished hard enough. . . ."





The Hidden Campaign

Excerpts from a new book detailing the disintegration of California television political reporting.

Over the past 18 months, Governor Jerry Brown has repeatedly been described as the most fascinating politician in America. Yet, when he was running for governor, he was viewed as "dull", and his contest with Republican Houston I. Flournoy was almost ignored by California television stations. The relationship between the candidates and the media in that election was examined in detail by the California Center for Research and Education in Government, publisher of the California Journal, under a grant from the Ford Foundation and the John and Mary Markle Foundation. The results of that study will be published this summer in a book by Mary Ellen Leary, director of the project and long-time California political writer. That book, to be published by Public Affairs Press and tentatively entitled "The Hidden Campaign," will tell in detail what's wrong with the communications link between candidate and voter in California today. (Copies will be available from the California Journal upon publication.) What follows are excerpts from the book.

By MARY ELLEN LEARY

"I haven't seen any candidates for office do or say anything worth putting on the air — not when I have big stories on cab drivers being arrested for transporting illegal aliens, drug busts on local Navy bases, large buildings being burned down in major blazes and many other stories like that, all interesting to people right here locally."

Ray Wilson, news director of San Diego's CBS television affiliate, KFMB, was speaking just five weeks before election day. The prevailing opinion in the television world was that political news was not merely competing with other news, but that it was also somehow inferior to other news. What did interest the public, television news executives believed, was photographic excitement and action, visible drama such as fires, accidents, crowds, picket lines, lively social conflict, human interest stories and even animal stories. Bob Moretti complained that during the primary one television station interviewed him and ran one minute of his interview and four minutes on the same newscast about "togs for dogs." At another point, he said, a different station ran six minutes on a frog-jumping contest and a few seconds on his campaign remarks.

Moretti symbolized the candidates' central predicament, especially in the primary: Television, the one medium by which they felt they could most directly present their case, was closing them out. Even in the general election, television gave only snippets of time, and then, only occasionally. Politicians were not "exciting" and their campaigns lacked "ac-

tion" or emotion. This came as a stunning rebuff to the main thrust of their campaign efforts. Candidates came to realize it as one press conference after another was ignored, as one solemn announcement after another was released into a void. Television executives had their own reasons to feel aggravated. They voiced respect for the electoral process, but they felt annoyed when politicians did not make their campaigns conform to television's news standards.

Between the conflicting expectations of candidate and television, the campaign process fell into a chasm, with no one alert to the need for insuring the vitality of communication between voter and candidate, no one concerned to fit television into the democratic electoral system.

Throughout the campaign the candidates pursued television. They magnified criticism of their rivals because television liked conflict. They designed their campaigns around scenes and activities aimed at attracting television cameras. Not only did television fail to cooperate, it actively resisted.

The television industry was intent on a pursuit of its own. It was engaged in competition for "ratings" through programs of what came to be called "happy talk" or "action news." This format stressed brevity, fast pace, and lively visuals, all of which made it inhospitable to political news. The preferred subject matter was that which taxed the viewers least, simplest to tell photographically, and least in need of explanation. It laid great emphasis on the anchorman's style — his visual attractiveness, chatty manner and light pleasantries.

The Exceptions

Two stations, as disengaged as any other TV stations in the primary, undertook a substantial effort to maintain a serious flow of news about the two candidates in the run-off for governor. KNBC-TV in Los Angeles, whose news executives, backed up by station management, made an initial determination that the gubernatorial race was important and should be reported on a continuing basis, committed money, staff and air-time to the campaign as it unfolded for two months. In quality and in quantity, its reporting was unusual.

Often, KNBC was the only television station represented at a campaign event and, in almost every instance when the candidates were traveling outside Los Angeles, it would be the only nonlocal station present. One striking example of this was the Flournoy speech before the San Francisco Commonwealth Club, one of the most prominent California platforms afforded major political candidates. That event was a KNBC exclusive; no San Francisco station attended. Bob Eaton, KNBC's news director, expressed that station's attitude: "Politics can be interesting. I think that people are interested in the candidates and in what they are saying. Maybe in the upsurge of 'happy news' other stations thought otherwise. But if you believe all the studies that say television is one of the major factors in helping people make up their minds, even if that isn't a role we sought for ourselves, then it has been put upon us. And we do have a responsibility to do as much as we can to cover an election." Chuck Rossi, KNBC news assignment manager, confirmed the front-office support: "I didn't want to leave 'The Making of the Governor' to some Teddy White. I wanted to report it as it went along. Bob Eaton told us early to go ahead and cover the race. That's all."

The other station to make a significant commitment of staff, funds and air-time was KGO-TV, the ABC-owned-and-operated station in San Francisco. It sent two news teams to cover Flournoy and Brown for three days in mid-October. They produced four-to-five minute segments that were run, two to each program, over six successive newscasts. In addition, KGO carried lengthy interviews with each candidate and undertook considerable local coverage, using the same reporters who did the traveling. The interviews were designed to deal with issues, the travel reports with the candidates' style and personality.

Apart from these two, a few stations from Los Angeles and San Francisco made occasional forays to camps of either candidate to spend a day on the trail to film "profiles." Most major television stations, and many smaller ones as well, invited the candidates to their studios for interviews. These ran anywhere from two minutes to ten and, in rare instances, longer. As a general rule, the candidates got television news attention only when they were in the individual station's immediate range, and not always then. All stations included some news at least once about the two minor party candidates for governor. Some, during the primary, issued blanket invitations to all gubernatorial candidates to appear on a program at a specified time, a device that gave at least one opportunity to the long list of unknown people. But apart from KNBC, the concept of reporting the campaign as a continuing, unfolding process intended to inform the public about the men seeking office and their positions as expressed over a period of time clearly was not what television considered its responsibility.

The Lone Survivor

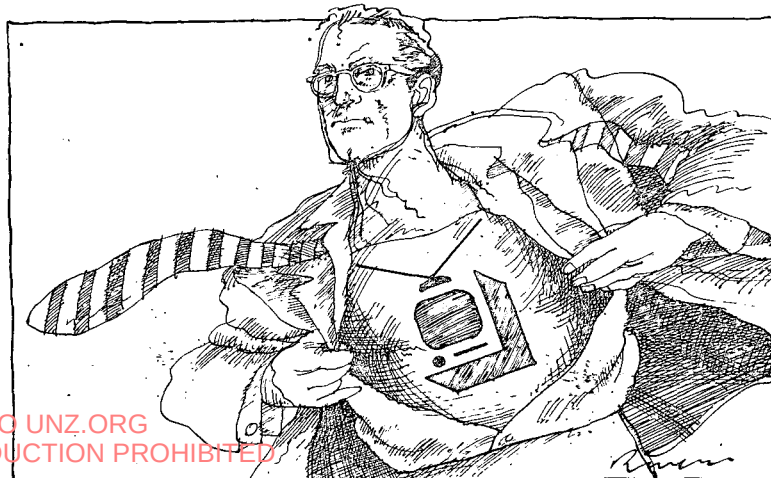
One surprising discovery was that television newsrooms had discarded specialists (apart from sports and weather reporters). They actively discouraged reporters from becoming expert in any field. As a result, there were no political reporters. In all California broadcasting, only one person, Rollin Post of public television station KQED, San Francisco, was designated as a political reporter. (A strike at the station during the campaign period kept him off camera.)

The paucity of political coverage gains significance by contrasting it with the intense interest in politics in past years. Local television news programs across the country expanded greatly in the last decade. In 1961, KNXT, Los Angeles, started "60 Minutes" of what it termed "Big News," staffing stories well and using generous film on local events. By 1965, this station offered one of the most attractive news opportunities for broadcast journalists, and other stations were emulating it. The concept of airing hour-long news spread, and political news became an important part of it. Symbolic of the growing attention to political reporting among television stations in the mid-1960's was establishment of news bureaus in the Capitol. KNXT opened its bureau in 1964, and shortly after, KNBC followed suit, along with Sacramento's KCRA. By 1965, Governor Edmund G. Brown Sr. responded to television's interest by installing a news conference room in the Capitol designed to accommodate cameras. When Ronald Reagan succeeded Brown in January 1967, the arrival of a movie actor and television personality whose "talking head" was quick with a quip attracted unprecedented TV attention to Sacramento.

John Jervis, who opened KCRA's bureau and has since quit television to work in politics, looked back on that period as a time when news editors and assignment editors were excited

about the story quality of politics. "I'd get two, three, even more days to develop a story," Jervis recalled. "Nobody pressured me to produce one or two a day. There wasn't such pressure as they get today." Such encouragement is the crucial factor in developing complex stories for television, he said. And at that point, the political reporters enjoyed support and cheer from their home offices. They were urged to show initiative.

Jervis's memory is supported by that of Vic Biondi, former capital bureau political reporter for KNBC television and now press director for a state agency. Biondi called the period of the late 1960's "California's golden days of television journalism." Political stories were as exciting to editors as to reporters, he said. "We were encouraged and supported in doing backgrounders or in-depth political reports. There was a fight to get adequate time to tell the story, yes. But today, they don't haggle over time for such reports. They have simply wiped out in-depth political reporting."





Goodbye, Golden Age

Three developments came along to tarnish the "golden age": Vietnam, the recession and "action news." The Vietnam war and the national turmoil and urban riots suddenly made sensational and highly visual news available in abundance. But it was also deadly serious. News managers began seeking lighter subject matter as relief. On top of that came a financial pinch following the 1967 recession. To California television, Sacramento bureaus began to seem extravagant. Stations began exacting more efficient performance from their staff, tightening news costs. Business offices were no longer satisfied that news was produced at a loss. They turned their attention to the revenue possibilities from local advertising within the news segments. As this money began to pour in, stations decided to increase the length of their newscasts and go after the larger audiences that trigger higher ad revenue through higher ratings. This

quest for ratings brought the phenomenon known variously as "action news," "eye-witness news" and "happy talk."

For years the industry used the resources of research firms to determine audience size, most prominently A. C. Nielsen Co. and ARB (American Research Bureau). They counted television viewers through recognized market-testing methods, to "rate" stations within an area according to audience size. Data about the sex, age and buying potential of the viewers were useful to advertising purchasers. But the new consultants undertook a more sophisticated task, "qualitative research." Their professional evaluation sought such details as audience admiration for a sportscaster's smile or an anchorman's hair style, and they also dealt with the visual attractiveness of the set and the "action" in the news. Consequently, television programming became extraordinarily sensitive to what the viewer was thought to want.

The Magid Mania

The two most successful firms in this field were Frank Magid & Associates, and McHugh & Hoffman, Inc. By 1974, both of them, along with other consultants, were working with a number of California stations, all in the midst of fiercely competitive efforts to enhance the audience appeal of their news programs. As in other states, a great reshuffling of news personnel accompanied these studies, for the appearance and manner of the people on screen figured importantly in the recommendations for improvement.

The first impact of the consultants was felt in San Francisco, when KGO-TV, which had been trailing in audience size, hired McHugh & Hoffman and then undertook an energetic thrust to "action news." The station promoted its news "team" on billboards, in newspapers, on buses. It dressed them in assorted costumes. It presented them as "good guys," as "happy people" whom everybody liked. KRON resisted the "happy talk," but top-rated KPX went through successive waves of shock as KGO-TV's audience grew. KPX also began revamping and personnel changes, some of them still under way in 1974. In this shift, political reporter Post, discovering politics was no longer taken so seriously at KPX, moved to Public Broadcasting station KQED. KPX retained its top rating for the evening news, but KGO-TV was on the rise. It acquired, in 1974, a new assistant news director, a new assignment editor, a new executive news producer — all but one of them fresh to the station.

Similar repercussions from efforts to entice larger audiences were being registered in other market areas in 1974. KCRA-TV in Sacramento, although dominant in its field, hired Magid to advise it about increasing news-time audiences, an

effort coincident with the election period. A rival, KOVR, hired TelCon & Associates of New York. Ron Mires moved from San Francisco to join San Diego's KGTV as news director and McHugh & Hoffman was hired shortly after to consult on program improvements. About the same time KFMB-TV in San Diego hired Magid. Both stations changed faces on camera, and news style became livelier, briefer, more marked with "human interest" and with reporter "involvement."

Los Angeles resisted the "happy talk" more than most market areas, but KNXT, after KNBC passed it in ratings, dropped many of its solid news reporters and quickened its news format. "KNXT," said Biondi, "went silly." The consultants turned television news into mere entertainment, Biondi said. "They eliminated specialists. Television today does not offer background stories on politics or anything else. These require more than 90 seconds air time to explain, and 90 seconds has become an optimum for a news item."

This, then, is how it happened that by 1974 the movement away from specialists in television reporting and towards "generalists" had gone so far that Post with Public Broadcasting was the only television reporter in the state specializing in politics. Even those reporters assigned specifically to the campaign were not exclusively reserved for politics. Only one TV person, KNBC interviewer Bob Abernethy, emphasized the "problem" represented by the candidate's difficulty in getting access to television. It is, he said, a major question that needs to be faced. The medium, he added, has not resolved how to give candidates time before the voters and square this with its own economic priorities.

Although news directors emphasized the "dullness" of the campaign in explaining their reluctance to cover it, many of their reporters maintained that the campaign — and politics in general — could be made interesting and informative to viewers. The brevity to which most television news had been reduced, and the use of reporters on political assignments who are unfamiliar with the field, or are denied the time to background themselves are the principal reasons why political news seems dull, reporters contended. "It is very difficult to do a 20-second or a 30-second story that tells anything," said Posner. "It's just got to be superficial." KNXT's bureau chief at Sacramento, Howard Gingold, said, "The emphasis these days is on visuals. We can't get into anything that takes a lot of explaining."

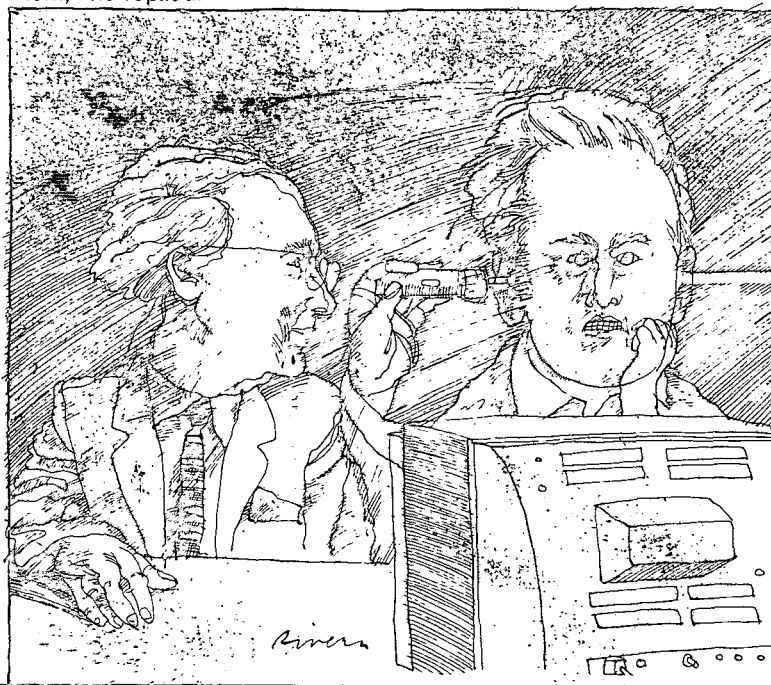
Many reporters kept struggling to get greater campaign coverage. Some assignment editors told of "constant arguments" over the subject. Other editors said they didn't concern themselves about the campaign because they trusted the interested reporters to "push" them into adequate coverage. Still, assignment desks and news desks remained the decision centers.

There was some resistance to the changes recommended by consultants. For instance, it was common talk at station KFMB in San Diego that its long-time political specialist, Harold Keen, was considered by Magid as too stodgy and too old for television. He stayed. His reputation and his capacity were sufficiently respected by his peers to permit them to ignore the advice. In fact, many considered Keen's political coverage a factor in KFMB's strong rating. "The great sin of broadcasting," one reporter said, "is to send a reporter to a complex hearing of some sort and he spends maybe 15 minutes, gets a little film and that night tells the world what went on. No way does he understand it. They've just got to cover more government than is being covered now and with somebody who knows something about it."

KNBC reporter Saul Halpert observed on election night that television "lets the candidates come through" to the public, but "bends the system." In the past, he reflected, there had been more communication between people about whom they favored in campaigns and why. It's different today, he felt. "Television has 'privatized' people. When you're watching, you don't want interruptions. The old-style campaigning can't function where you must deal with so many hundreds of thousands of people, and television is a different kind of communication from your neighbor's remarks at your front door about the man he favors. It is so essentially private. Two things have changed. The involvement of people has de-

clined and candidates have altered their style of communicating with voters." After a moment's thought Halpert added: "I think these developments are *not* a good thing for our political system. What has happened is that people have been separated from the candidates. But I don't know how you undo this."

On the whole, news directors were not conceding the decline in news quality so many reporters dwelt upon. They usually insisted that ratings had no impact on news selection. (Yet, at one Los Angeles station, just as a news executive was explaining during an interview that ratings had no meaning to the news department, a television reporter was overheard in the hallway calling out to a buddy, "Have you seen the ratings yet?") Some newscasters said that they were never shown the ratings. At KNBC, assignment editor Rossi said, "We don't have to worry about ratings because we are presently Number One. When you have to worry is when you are slipping." But Paul Thompson, news director of Sacramento's KCRA, acknowledged that consultants' studies affected the design of news shows because they indicate the public's interest and public interest guides news selection. "Does political news rate lowest?" he was asked. "Well, I don't know whether it is lowest of all, but it is near the bottom," he replied.



Break in the Bedrock

A basic purpose of the "fairness doctrine," which is so integral a part of government policy in the licensing of broadcasters, is the promotion of "robust, wide-open debate." In the context of California's 1974 election, it is almost an amusing phrase. Yet vigorous political exchange in matters of public interest, the U.S. Supreme Court has said (and the FCC has reiterated), is essential to the preservation of our form of government. The FCC has urged broadcasters "to make the maximum possible contribution to the nation's political process. That process is the bedrock of the Republic." In an amplification of the "fairness doctrine," the FCC emphasized "the paramount right of the listening and viewing public to be informed of the competing viewpoints on public issues." The "public interest" in broadcasting, said the Court, "clearly encompasses the presentation of vigorous debate of controversial issues of importance and concern to the public."

Against these standards, the governor's race poses some serious questions. It witnessed some of the most deliberate restrictions on the public's chance to hear political debate ever devised in this country. It occasioned both news coverage and broadcast access that were minimal rather than maximal. Candidate self-interest and broadcaster self-interest produced in the television and radio reports, if not a news black-out, certainly a gray-out. Candidates got access to the airwaves when they bought ads or turned to public television, but on commercial television the decline of interest in political reporting, the pressure for advertising revenue on the stations and the elusiveness of the leading candidate, Brown, all diminished the coverage. No one mentioned whether the public interest was adequately and fairly served. The election can hardly be regarded as an experience consistent with the spirit of the Federal Communications Act.

Nowadays, with broadcast so central to mass communication, it is impossible to examine a political campaign without encountering the standards and strictures of the FCC and its underlying mandate that the air is to be used in the public interest. This is not an easily measured requirement. Since the original legislation in 1927 the concept of licensee responsibility has grown through Congressional revisions and amendments, court opinions and FCC rules. There were three areas in which aspects of the FCC rules figured significantly. The most dramatic was the deliberate restraint on debate and on broadcast media coverage of the debates, contrived by the "agreement" struck by the two candidates and successfully imposed on the broadcasters. The second area concerns a prevalent custom in California broadcasting, especially in television, that appears to apply the "equal time" regulation even in exempt news periods. This broadcaster caution about handling political news, in the name of "equal time" and "fairness" constraints, appeared to impede coverage of the governor's race, especially in the primary. Appearance is emphasized because appearance was all that

could be verified. Station managers, news directors and assignment editors frequently said that they were hampered in coverage by the ever-threatening FCC requirements, especially when confronted by so many candidates. Trailing candidates blamed their inability to get coverage on the FCC equal-time requirements. Yet, there kept intruding, through all the wringing of hands over legalisms, hints from experienced broadcast reporters or suggestions from candidates that in fact the equal time and fairness mandates may have been welcomed by the stations. Some people in politics and broadcasting considered the FCC rules a handy shield that permitted the stations to minimize political news, and thus to escape responsibility for allotting time to news they considered "boring." The third area concerns specific complaints to the FCC that arose in the campaign and events that might have occasioned complaint but did not. Although such complaints can lead to the filing of charges and, eventually, hearings and decisions, none of the protests stemming from the campaign led to such results. But there were complaints, and they suggested policy areas in need of reconsideration.

The Unseen Debates

In the primary, the broadcasters, faced with 29 candidates for governor, virtually abandoned coverage until the last 10 days, and justified their inattention on the ground that it was impossible to meet equal time and fairness requirements with such a number of candidates. This lack of broadcast coverage became the single most significant issue in the primary. Most stations interpreted the requirements so strictly that they reduced campaign reporting to the news of candidate poll-standing, to the blatant "attacks" one candidate might make on another and to the last campaign swings around the state. Stations in the major metropolitan areas that did interview individual candidates carried the interviews during the final days of the campaign.

In the general election, the broadcasters — represented by the six major television stations and five key radio stations chosen for observation and monitoring — gave 2% of total news time to reports on the race. For radio, this amounted to 4 hours on the five stations out of 463 hours of news; for television, 6 hours on the six stations out of 257 hours of news. Do these measurements of coverage come within Congressional intent and FCC concepts of fairness?

The two major party candidates in the fall run-off — Brown and Flournoy — held six joint appearances or debates. No commercial network carried any of them statewide. None proposed such an idea, except for the weekend immediately before the election, even though Flournoy pressed to have one and found a sponsor to underwrite the cost. The upshot of television's reluctance to air a debate statewide until the campaign was all but over was that only one debate was carried, that conveyed by the public-broadcasting stations. The final debate, seen only in the Los Angeles market, was carried on KNBC's Saturday "News Conference," expanded for the occasion from its usual half-hour to an hour. The first debate was not broadcast at all. Three others were restricted to one outlet in the single market area chosen by the candi-

dates in their "agreement," and all of these were small-audience markets. Two of the outlets were public-broadcasting stations. Radio transmission of the debates was banned in the "agreement." All other television coverage of them usually was limited to no more than two-minute news accounts.

It would appear that such restrictions were the candidates' doing because of the pact they entered into with such solemnity. But the real explanation is much closer to broadcaster disinterest than to political machinations. Lawyers for the two — Stephen Reinhardt for Brown and John Tretheway for Flournoy — developed the 17-page document, which unilaterally imposed two limitations on broadcast access: One set the total that each might spend on media advertising at \$900,000. The other specified "permitted" broadcast coverage for the six "joint appearances or debates." Newspaper coverage was not mentioned.

For both candidates, the document was a compromise. Brown aimed to diminish advertising costs "because it is demeaning for the President and the Governor and the Senator and their challengers for those offices to go around raising money to buy spots," as he explained on KNBC's June 1 debate. Brown's colleagues hinted at concern lest the Republicans raise more money than Brown could. They feared an advertising blitz. Flournoy, for his part, feared that Brown would not meet him at all in debate, and he sought to maximize their joint appearances by proposing a series of ten meetings with as much broadcast exposure as possible, preferably statewide. Brown, with superior name identification, was not eager to help his opponent close the gap. The agreement emerged from compromising those initial positions. But commercial television's attitude was complicit in this outcome. The rejection of any debate except at the peak of public interest, within the final three days, scuttled Flournoy's hopes.

Cowing the Media

The Brown campaign philosophy about debates was summed up by Tom Quinn at a not-for-direct-quotation conference conducted after the election. The Brown campaign felt, he said, that the less coverage that was given the contest, the better off Brown would be. Brown was reluctant to debate, according to Quinn, because such a confrontation

was the one thing that could make the campaign exciting. Quinn wanted a dull, dull campaign, and he succeeded. The Brown camp was never quite sure what was happening in the dynamics of the campaign but viewed Flournoy as a very strong opponent. As for the agreement, Quinn said he was surprised by the complete success of it although he expected

that it would somehow cow the media, who are not viewed as very gutsy.

Douglas Kranwinkle, Los Angeles lawyer who served Flournoy as campaign manager, pointed out that television proffers of debate opportunities were nearly all proposed on the verge of election.

"We would have liked to have had statewide network television," he said. "None of the networks was at all interested, except maybe in the last four days. None would even consider a debate until about November 2. We felt we needed a series of debates, as early and as frequent as we could get. We had to take the best we could get."

"Are you," he was asked, "suggesting it was not just Brown but the television stations themselves who restricted the debates, and wouldn't permit statewide showing?"

"Yes, television. They simply don't have a statewide concept of presenting programs. We even had stations within the same network coming in separately and asking for conflicting times. They don't coordinate on a statewide basis at all."

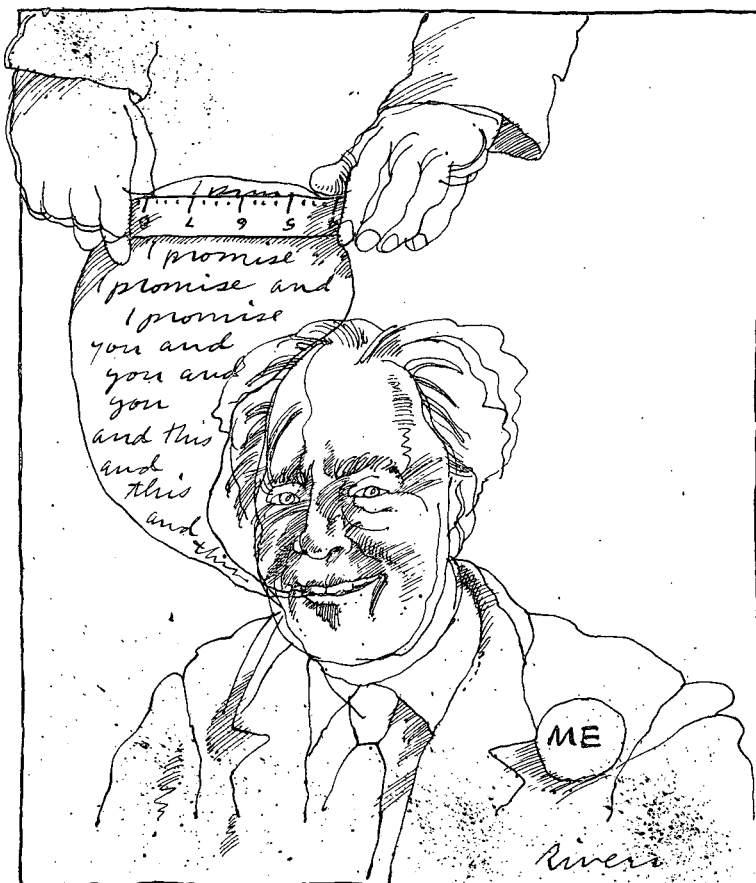
After the agreement was reached, the four CBS stations did write jointly to suggest something novel for them: a debate all four would air on the Sunday before the election. The KNBC offer had been accepted by that time. Campaign managers did not relish debates one day after the other.

The prohibition on broadcast use except as specified sprang entirely from the Brown camp, Tretheway said. "We wanted all the air time we could get, anywhere. We'd have let 'em sing it or dance it. The more use, the better." But he recognized the conventional belief that leading candidates risk more by frequent appearances and lagging candidates gain, so Flournoy's team accepted the limitations.

The absurdity of the agreement was that the two candidates set limits on what campaign news broadcasters could dispense — and threatened legal action should their unilateral agreement be violated. So carefully was this specified that the language of the agreement stated, after each television debate was designated by station: "No other television or radio use of all or any part of the program may be made by any person, including a candidate or the station, except for regular news coverage."

In a flourish at the conclusion, the agreement warned: "No person other than a signatory hereto shall have any right to seek judicial remedy as a result of the existence of this agreement or any alleged violation thereof." This demolished the normal constitutional right of any citizen to petition the courts. If it was not nonsense, it was censorship. The only thing more remarkable than the extralegal document itself was the piousness with which broadcasters respected it.

Probably the gravest aspect of the affair was Reinhardt's disclosure that the legal charade was viewed seriously as a model by which future candidates might finagle similar re-



strictions on broadcast responsibility in elections. Looking back on the negotiations with Tretheway, Reinhardt said they had dressed up the agreement with such elaborate interdictions in legalese — power of subpoena awarded to the arbitrator, and bars against recourse to the courts, and so forth — to "formalize" the obligations on each party. "The stations," he added, "would know that they couldn't really be bound by this, but they would recognize the agreement as a step toward what they would like, so that the wishes of the parties (the candidates) should be respected if the stations wanted other candidates to do similar things in the future." That's how it worked: The prohibitions on airing campaign discussion so neatly coincided with the broadcasters' own preferences for the use of its time that no breach occurred. "I was appalled by their gutlessness," said Tretheway.

Stations might have tested the unilateral restriction this compact laid on First Amendment freedoms but none did. Chuck Rossi, assignment editor at KNBC, voiced the prevailing tolerance to the candidate's limitations: "Because of the way Brown has insisted these debates be run, we can't use it for live broadcast, but it is open for ordinary news coverage, so that is the only thing we can do."

The No-Time Doctrine

Whatever the reason, statistics show that the campaign was minimally reported in the broadcast forums. No one raised a question on the rights of the listening public to be informed or the adequacy of this "marketplace of ideas," as broadcast has been described. Discussion erupted in the campaign over equal time and fairness either as hampering limits on political coverage or as unenforced and ineffective ideals. Russ Coughlan, station manager of KGO, expressed the prevailing view: "The fairness doctrine prevents us from lending ourselves to the campaign effort." The station would be happy to show candidates, he said, but numbers defeat them. KABC radio newscaster and talk-show host Michael Jackson said that he refused telephone calls from Senator

Alan Cranston, "because it was hard to draw the line definitely that what he was talking about was really news and not campaigning." He said that he had invited former Representative Helen Gahagan Douglas to appear on his program but "had to ask her to promise not to mention Roth (whom she had endorsed) because, if she did, I'd get into the whole equal-time mess." At KNX-radio in Los Angeles, a reporter said that a verbal order had been issued that no member of Congress was to be interviewed during the campaign because of the equal-time doctrine.

A great deal of attention has been paid to the protections offered minor contenders for political office — and the democratic system as a whole — by insistence upon equal oppor-



tunity. The election disclosed, however, that in practice this proviso leads broadcasters to steer clear of political stories where possible and drain those that couldn't be avoided of any elements that could cause equal-time problems. At KSNB radio in San Francisco, news director David McQueen said, "To avoid trouble, we go into political news in less depth than we do other news."

"Balance" was the word most frequently heard about political news coverage, and radio was especially sensitive to it. The watchfulness about balance that resulted led many news rooms to keep careful logs on each candidate's appearances to the second, just in case the FCC should query the station.

The extent to which timidity over equal time sometimes

shaped the news was most graphically illustrated by an experience Representative Waldie had with KCBS radio in San Francisco. As a candidate for governor, he had become familiar with the difficulty of getting broadcast time, but knew the stations were eager to use any news he could provide on the Nixon impeachment proceedings of the House Judiciary Committee, on which he served. Logically, he was most likely to communicate with the media in his own Congressional district, which was included in KCBS's area. So when he had something to say about the committee's developments, he telephoned the San Francisco all-news station. He called at one point with what he felt was "a big news break" — the 33-to-3 vote on issuing a subpoena. "I got the station on the phone," he said, "but this night news editor sounded frightened to death. He said, 'Oh, I can't take that. I have to get a Republican to comment on it.' " Waldie was dumbfounded. "I said, 'What do you mean, you can't take it. I'm not asking any mention about the governor's race. I am on the impeachment committee. We just voted 33 to 3 to subpoena the President of the United States. That happens to be a national news story. Are you interested?' " The reply: "I just can't take that news item unless I can get a Republican to comment at the same time. I don't want to argue with you but this is too touchy around here. They are putting a lot of pressure on us." The congressman was outraged. "Who is putting pressure on you?" The fellow replied, "Oh, I didn't mean to say that. I don't mean that. Look, I didn't say that, understand?" Waldie shrugged: "So he didn't use the news. I called up some other stations and they took it gladly."

It was a reflection on the California style of campaign reporting that Kurt Malarstedt, Washington correspondent for a Stockholm television station, followed the campaign for about four days. His 45-minute report was to be aired in Stockholm November 1, paired with a segment on New York's gubernatorial race. That was more total time than many California stations devoted in all their newscasts through September and October to the election!

In Conclusion

There is a blithe assumption in the broadcast world, and even among some politicians, that the public can be trusted to make an appraisal among candidates given so direct a view of them as television provides. They might, if the candidates had meaningful access. As it functioned in the 1974 election, the medium that was initially expected to bring candidate and voter into closer relationship and to knit the citizen

more comprehendingly into the process of choosing political leaders worked to the opposite result. The scant attention television gave the governor's race appeared to diminish public interest. The election had the smallest turnout of registered voters since 1946, the first election since then where turnout fell below 70 percent. Only 64 percent of registrants voted.

Ten prime conclusions have emerged from this study:

1. Television served to erode rather than support the democratic process, and it distorted the political campaign.

2. Television dominated the candidate's entire campaign effort.

3. Opinion polls are pivotal to a candidate's access to the media.

4. Television advertising represents the single largest cost factor in political campaigning.

5. There is a dramatic difference between press and broadcast agencies in the commitment to convey campaign information.

6. A marked interrelationship exists between the three communication channels — radio, television and press — and the most significant is broadcast's

dependency on the press.

7. Quite apart from such interdependence, newspaper political reports were heavily influenced by television.

8. A media campaign diminishes involvement of the public in the election process and deflects the campaign and policy formation away from voter participation.

9. Broadcast stations are so affected by the federal requirements for "equal opportunity" that they apply precise measurements to the allocation of time for candidates even in exempt newscasts.

10. The responsibilities Congress imposed on broadcast concerning political campaigns are based on assumptions about news interest in politics that current conditions in the industry have invalidated. ■

California CAPSULES

Chief Justice Wright says 'problem judges' are those over 70

his experience, "judges who continued past age 70 were, with only a few exceptions, the problem judges of the court." In the letter to Senator Alfred H. Song, author of a measure that would require all state judges to retire at the age of 70, Wright said that the reluctance of senior judges to retire poses a problem in the judiciary that should be resolved. Wright has stated he will retire when he turns 70 next February. On the present state high court are Justices Marshall McComb, 81; Mathew Tobriner, 72, and Raymond L. Sullivan, 69.

Unit to consider state withdrawal from social security

ordered by the state's Little Hoover Commission. A subcommittee, headed by Commissioner Donald G. Livingston, will conduct the study and hold a minimum of three public hearings. Federal law provides for optional inclusion of state and local governments in the system. San Jose city employees have pulled out and now contribute three percent less and receive 25 percent more in retirement benefits from their new system. A preliminary study shows that since 1958, 322 public jurisdictions have left the federal system — 140 in California.

Joint audit panel runs up \$68,090 tab for remodeling

located in the less-than-four-year-old Park Executive Building and pays one of the top square-foot rates for state office rental space in Sacramento. The Legislature's watchdog agency for state expenditures is chaired by Assemblyman Mike Cullen, who said the changes were needed to improve efficiency and production. Included in the remodeling were glass enclosed offices with walnut framing and paneling, wall murals, new lighting systems and carpeting, double entry walnut doors, and a color-coordinated, all-electric kitchen (with a microwave oven, built-in dishwasher and garbage disposal, refrigerator, stainless steel sink and a new hot water heater). The committee also ordered a touch-tone telephone system which cost \$1,695 to install and \$1,378 in annual extra charges. The only other state employees to have these phones are several hand capped workers in the state Employment Development Department.

PUC tries to draw natural gas firms under their control

show cause within 30 days why they should not come under commission control. Corporations affected in-

clude Atlantic Richfield, Exxon, Getty Oil, Gulf, Mobil, Shell, Standard Oil, Texaco, and Union Oil. All are contract suppliers of Pacific Gas and Electric Company. No state regulates gas suppliers although Texas is considering a move similar to the PUC's. A court battle is anticipated over whether and how the gas producers can be regulated.

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City-state officials propose replacement program for Medi-Cal

task force to develop a new health-care system to take the place of Medi-Cal. The current program would be replaced with a system of government-operated hospitals and clinics. Instead of utilizing private hospitals and doctors, the almost 6.5 million people with family income under \$8,000 a year would have to get their health care from the government system. The new system also would take in approximately four million working poor who frequent county hospitals. The proposed system would not be in compliance with the federal enabling act passed in 1965 as it requires patients to be given freedom of choice. Supporters of the new concept feel removing the government health-care program from the private sector's fee-for-service principle will cut off the incentive of providers to give unnecessary care.

Foran, Makar face run-off election for SF senate seat

candidate in the May 11th special election, in a run-off on the June 8th primary ballot for the state Senate seat vacated by San Francisco Mayor George Moscone. Foran faces a run-off because he failed to receive 50 percent of the vote, falling short at 38 percent. Only 32 percent of the district's 204,000 voters cast ballots. Foran is a strong favorite as the Democrats hold a 65-29 percent registration edge in that sixth senate district. Also on the ballot will be Patricia Dolbeare, an independent, and Guy Caputo of the American Independent Party.

Sewer hookup ban stuns San Francisco, freezes construction

Board because of slowness in stopping sewage pollution of the bay and the ocean. A decision on whether to extend the ban to the city's only other treatment facility was delayed until mid-November. The ban virtually freezes new construction in all areas of San Francisco except that west of Twin Peaks. The board gave credit to Mayor Moscone for taking action to improve the waste-water management program, but he inherited a literally stinking sewage system and the city is still out of compliance.

The State Department of Health and the County Supervisors Association of California have formed a

task force to develop a new health-care system to take the place of Medi-Cal. The current program would be replaced with a system of government-operated hospitals and clinics. Instead of utilizing private hospitals and doctors, the almost 6.5 million people with family income under \$8,000 a year would have to get their health care from the government system. The new system also would take in approximately four million working poor who frequent county hospitals. The proposed system would not be in compliance with the federal enabling act passed in 1965 as it requires patients to be given freedom of choice. Supporters of the new concept feel removing the government health-care program from the private sector's fee-for-service principle will cut off the incentive of providers to give unnecessary care.

Democratic Assemblyman John Foran will face Bruce Makar, a real estate broker and the leading Republican

candidate in the May 11th special election, in a run-off on the June 8th primary ballot for the state Senate seat vacated by San Francisco Mayor George Moscone. Foran faces a run-off because he failed to receive 50 percent of the vote, falling short at 38 percent. Only 32 percent of the district's 204,000 voters cast ballots. Foran is a strong favorite as the Democrats hold a 65-29 percent registration edge in that sixth senate district. Also on the ballot will be Patricia Dolbeare, an independent, and Guy Caputo of the American Independent Party.

Most of San Francisco was banned from making new sewer hookups by the Regional Water Quality Control

Board because of slowness in stopping sewage pollution of the bay and the ocean. A decision on whether to extend the ban to the city's only other treatment facility was delayed until mid-November. The ban virtually freezes new construction in all areas of San Francisco except that west of Twin Peaks. The board gave credit to Mayor Moscone for taking action to improve the waste-water management program, but he inherited a literally stinking sewage system and the city is still out of compliance.

CDC: CONSCIENCE OR THORN?

How politicians choked out the grass roots movement

By LARRY N. GERSTON

Whatever happened to the California Democratic Council? The once-powerful grass-roots organization, started only a generation ago by anxious Democratic activists and party leaders, grew into the largest volunteer party organization in the country. Wrestling the cross filing advantage from the Republicans, the CDC became the rallying point for the California Democratic party. Prospective candidates regularly sought a CDC blessing before the primary, knowing the endorsement put them well on the way to victory.

The first conventions were wild events. Over 3,000 delegates swarmed into convention halls and hospitality rooms trying to come to grips with Republican domination of elected offices. Debates were heated and feelings ran high, but there was a common enemy and a common goal — putting together a viable Democratic party organization to take back some of the power abdicated to the GOP over the years. The delegates represented a cross section of Democratic voters, all anxious to play a part in shaping the future party structure and platform.

Earlier this year, the CDC held its 24th annual convention. It would be difficult to tell this is the same organization. There were fewer than 800 delegates, this time grimly determined to have some voice in the formation of Democratic party policies. Instead of a cross section, the group was marked with representatives of out-of-power caucuses, knowing that only through a coalition could they have any influence at all. The only thing that hadn't changed was the liberal bent of the organization — but the bent was further left and definitely out of the now-powerful party mainstream.

Democrats in shambles

Today's political climate might indicate otherwise, but California's Democratic party was in shambles for the first half of the 20th Century. The state had been dominated by Republicans since the early 1900's. Between 1899 and 1958, when Democrat Edmund Brown Sr. won the governorship, Republicans controlled the executive office for all but four years. In addition, Republicans usually controlled one, and often both, houses of the state Legislature during that sixty year period — despite heavy Democratic voter registration margins from 1932 on.

Legislative changes instituted during the Progressive era (1900-1920) seemed most responsible for the GOP's continuing success. In emphasizing individual candidates over party organization, Progressives established cross filing, a device that allowed candidates to file for nomina-

tion under more than one party banner. Since Republicans held most state offices during this period, they successfully used incumbency and cross filing to maintain themselves in office.

After years of political embarrassment, Democrats finally developed a plan for overcoming the effects of cross filing. The California Democratic Council was created in 1953 when 100 political clubs and 20,000 active Democrats throughout the state merged. Led by founding president Alan Cranston, party chairman state Senator George Miller and other liberals who had been active in the Adlai Stevenson presidential campaign, the CDC attempted to thwart cross filing by publicly endorsing Democrats before the June primary. In abiding by the endorsement process, Democrats would no longer suffer fratricidal fights for the nomination. Agreement was secured and the Democrats grew stronger with their new internal cohesion.

Putting it together

The CDC started meeting annually in statewide and regional conventions, consistently displaying a liberal posture. Over the next 10 years, Democrats fared incredibly well. By 1958, both legislative houses and five of six statewide partisan offices were controlled by Democrats for the first time in the 20th century. As a political coup, the Democratic Legislature repealed cross filing in 1959. Within four years of its creation, CDC membership grew to 40,000 with 500 affiliated political clubs. By 1963, there were 75,000 members from 650 affiliated clubs.

More important, the CDC grew in party influence. In party primary fights between 1954 and 1962, every CDC pre-primary endorsee for statewide office went on to capture the Democratic nomination — a substantial departure from past performances. Many of the spring nominations became November victories. After his 1958 win over William Knowland, Governor-elect Pat Brown thanked the CDC for providing "leadership, workers, and a lasting basis for the unity of the Democratic party." Most of the new Democratic majority received considerable CDC money and campaign support en route to the Democratic landslide of 1958.

Then came the great transformation. With the advantages of incumbency, many Democratic leaders began to shy away from the CDC. Already holding elective office, they seemed to resent the necessity of asking for the CDC endorsement. Policy resolutions at the statewide conventions became battlegrounds for clashes between the grass-roots and party-regular elements.

In 1963, powerful Assembly Speaker Jesse Unruh, feeling threatened by the CDC, openly attacked its leadership and objectives. One year later, Unruh formed the Demo-



cratic Volunteers Committee to promote Unruh-ally Pierre Salinger for the U.S. Senate instead of CDC endorsee Alan Cranston. Primarily organized in Los Angeles County — and more on paper than in reality — the unofficial party group disappeared without a whimper in 1965. The official Democratic leaders, once supportive of the CDC when they had nothing to lose, now feared that the issue positions of the liberal body would cost them their offices. As the party leadership attacks mounted, CDC membership began to erode.

Coalition collapses

The turning point came in 1965. For years, the Democratic officeholders and party leaders had cautioned the grass-roots unit to take moderate stands in its policy resolutions. The CDC relentlessly called for recognition of Red China, an end to the draft, and accommodation with the Soviet Union — much to the embarrassment of Democratic incumbents. The final crunch came with the CDC position on Vietnam. As the United States increased its commitment in Vietnam, the CDC became increasingly belligerent in its opposition to involvement. By 1965, newly-elected CDC president Simon Casady ridiculed President Lyndon Johnson as a "Texas cowboy who shoots from the hip," and a leader with "the mentality of a Texas school teacher." The 1965 CDC convention responded with approval of a policy resolution calling for immediate withdrawal from Vietnam.

With a third term re-election effort only months away, Governor Brown condemned the CDC and called for Casady's resignation. As Brown saw it, the CDC had lost touch with political reality. "The CDC was coming apart at the seams," Brown later reflected, "precisely because of extreme positions on Vietnam and other issues. They began not to care about victory. They forgot that you have to win to promote a cause." Ultimately, forces led by Brown and Cranston secured removal of Casady from office.

With the 1970's, the CDC endorsement, once crucial, no longer symbolized political fortune as much as political death for would-be candidates. CDC convention attendance declined even though the affiliated clubs were allowed to send proportionately twice as many convention delegates (one per every 10 members) as they were in the past.

Upon resuming control of the state's executive and legislative branches in 1975, Democratic office holders continued to avoid association with the CDC. Only four legislators attended the 1975 statewide meeting. When a representative from the Governor's office was asked why Governor Edmund Brown Jr. had decided to pass up the CDC convention, he replied that "the Governor's too busy with pressing state problems." The CDC became an orphan in the state's Democratic family.

While politically diminished, the CDC has refused to die. The liberal unit has continued to support issues and can-

didacies that have been otherwise unacceptable to the state's Democratic party. Membership has hovered near 10,000, while the number of affiliated clubs has ranged between 125 and 150. In recent years, the CDC has grown only when an individual candidate, ostracized from the party mainstream, has encouraged supporters to temporarily affiliate at convention time to stack the endorsement voting in his favor.

When Governor Brown addressed the delegates at the 1976 statewide convention, he noted that the "CDC has a long tradition as the cutting edge of new ideas and issues. You're in the leadership role, the catalytic element. . . ." But the CDC once again revealed it is considerably removed from the party mainstream. Although a Field Poll had given incumbent U.S. Senator John Tunney a sizable lead over challenger Tom Hayden, the convention delegates endorsed Hayden by a lopsided vote of 69 percent to 24 percent for Tunney. With respect to the presidency, a commanding 68 percent voted to endorse former U.S. Senator Fred Harris, even though Harris has rarely rated over five percent in the periodic national samples.

CDC persists

Why does the California Democratic Council persist after so many political defeats in a period of heightened political cynicism? At least three factors have kept the organization alive in recent years:

- *Despite a series of endorsement failures in the past, the CDC continues to offer a forum for Democratic candidates. In a state like California where fragmented party organization provides the candidates with few opportunities to mobilize grass-roots support, CDC exposure can still be valuable.*
- *While beginning as a white middle-class liberal body, the CDC has become the home of groups traditionally left out of the party mainstream. Racial minorities, particularly Blacks and Chicanos, have established sizable caucuses in the CDC, giving them a feeling of much more representation than that provided by the incumbent-appointed state central committee.*
- *The CDC remains an outlet for liberal ideology through issue conferences and policy statements on controversial matters. Questions that would otherwise tear apart the traditional party structures (integration, nuclear power plants, detente) have been regularly discussed at annual conventions and local club meetings. In this sense, as one twenty-year veteran has remarked, the CDC remains the liberal "conscience of the Democratic party."*

The California Democratic Council is alive, though not well. Rejected by most party elites and unrecognized by a new political generation, the CDC continues to plot the liberal path down the road of Democratic politics. Although the organization is only a fragment of its past, the group persists as a "conscience" for some, and a "thorn" for others.

THE UNFEATHERED NEST

Another agonizing reappraisal of state care for the retarded

By DIANE DREYFUSS

Just 10 years ago, California drastically revised its system of caring for the mentally retarded. It attempted to reduce "warehousing" in big state institutions in favor of care in a variety of facilities closer to home. That effort, it is generally agreed, produced improvements in the system. But once again, there is considerable turmoil over what direction the state should take in providing help for the retarded, along with others suffering from various developmental disabilities.

That both the community and state-hospital programs face severe difficulties surfaced in a series of hearings conducted by Assemblyman Frank Lanterman's subcommittee on mental retardation and developmental disabilities. Following the hearings, Lanterman issued a memorandum outlining the problems and possible solutions. Among the main points:

- *Regional centers are the central element. They are responsible for securing diagnosis, counseling, placement and many other essential services. They have developed over the last decade from a pilot operation to a network serving 30,000 families. Despite their accomplishments, the centers have many problems requiring legislative solutions.*

- *There is a lack of community nursing and residential-care facilities. The state's low rate of payment forces existing programs to close and provides no incentives for new ones to develop.*

- *The state's \$900-million budget for the developmentally disabled lacks adequate planning and solid information about program needs.*

Lack of incentive

While the Lanterman report concentrated on the problem of regional facilities, all is not well with those concerned about the level of care for the 10,000 Californians receiving care in state hospitals. The California Association for the Retarded has protested the state's use of 1968 staffing standards. These, the organization claims, are sufficient to pay only for clothing, feeding and bathing patients. Mario Obledo, secretary of health and welfare, denied that the Brown administration is providing only "custodial" care. He estimated, however, that raising the staffing standard to a desirable level would cost about \$50 million. "There is not \$50 million available," Obledo concluded. Another problem is that the federal government is threatening to withdraw funds for aid to the retarded because state hospitals do not meet building and safety standards.

The program, launched by the Legislature 10 years ago

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under the leadership of former Assemblyman Jerome Waldie, assumed that use of state hospitals to care for the retarded would gradually diminish. Funds saved would be diverted to the regional diagnostic-and-counseling centers and private agencies operating relatively small community facilities. Arthur Bolton, the consultant who studied the problem for Waldie and now is working with Lanterman, maintains that the state did not go nearly far enough in providing fiscal incentives to develop local facilities. He claims that is why the state hospital caseload is now increasing after years of decline.

Margaret Fraser, attorney for the California Association for the Retarded, emphasized that the state spends \$40 a day for a patient in a state hospital but only \$23 for a patient in a community facility. She has warned the Legislature that the state faces a massive lawsuit if it fails to improve the program, because there have been some recent right-to-treatment cases indicating that states can be forced to provide specified levels of care.

The California system is based on the concept of a series of regional centers diagnosing potential cases of retardation and matching up available services to the problems of the individual. The system depends upon programs that can be drawn on as resources by each center's staff. Community services, which form the skeleton of the program, may be either purchased directly by a regional center or funded through Medi-Cal, if the client is eligible. Presently, California's facilities for the developmentally disabled are still classed as nursing homes, and federal regulations prohibit different funding within the same class of facility. For this reason, community services are restricted to funds and staff standards that may be appropriate for nursing homes but are not necessarily adequate for facilities serving the developmentally disabled. The result has been a severe deficiency in allocating funds for treating the retarded.

A century-old private institution in Ventura County, the San Buena Ventura Academy, found rising costs so far exceeded income that the academy recently closed. St. Vincent's School, also in Ventura, lost \$178,000 last year. Subsequently, the school refused to accept state referrals to raise fees in accordance with what was determined as actual costs. Supporters of the institutions contacted their assemblyman, Ken MacDonald. In 1975, he sponsored legislation (AB1759) to establish state rates based on the actual cost of the services purchased or designated by the regional centers. In addition, the bill stipulated that the Department of Health determine the "services required to be rendered by facilities and unacceptable cost items . . ." so that the basis of allocation could be made clear.

Governor Brown vetoed the bill — which had its draw-

backs — on the basis that it provided special treatment for a specific kind of institution, and could lead to a rush of demands from the 2,300 other statewide institutions for similar legislation. The goal, Brown said, could be achieved through administrative action. He noted that the Department of Health had the power to authorize additional payments where needed.

Protest erupts

It has been the department itself, however, that caused intense protest on the part of consumers and providers, mobilizing various groups into a "coalition" to demand change. David Sokoloff, a member of the state Developmental Disabilities Planning and Advisory Council and speaking for the "coalition," points to the funding issue as crucial. He also pointed out the department's organizational maze as an impediment to communication and continuity. The recent division of the department into state-hospital and community-services divisions caused an outburst. The state hospitals were removed administratively from the service system within the regional-center functions (regional centers fall under the community services division) despite the fact that the regional centers are the only legal means of entrance and discharge for those utilizing the state hospital developmental disabilities program. Emphasizing the state hospital as a treatment option, the reorganization was enacted without warning, explanation, or consultation with the various agencies, groups and individuals who might have been of value.

The specific issues that resulted directly from departmental shuffling now show signs of resolution. New plans are under-way to reorganize the department on a program basis, splitting the developmental disabilities program from that for the mentally ill. This split will create problems of its own, but at least the recipients will remain the concern of a single administrative unit with a clear chain of command for those with complaints or suggestions.

What new thorns will appear under a reorganization? The director of the state hospital division, Don Z. Miller, sees the problem rooted in the tendency to consider reorganization a panacea. "We look toward reorganization to solve a problem, without realizing the new problems which will result. Reorganization really takes place to please the constituents, so they can see the system more clearly . . . It is essentially a PR move. I honestly don't think it makes that much difference how you grid it." Miller is emphatic about the need for departmental stability. "What can you ask from someone who doesn't know what his job status will be next month?"

Right track

The director of the Golden Gate Regional Center, Edgar M. Pye, has been involved in the state program since its inception, and served as president of the Conference of Regional Center Directors in 1974. "We still have a lot of growing up to do," Pye said. "But we can see, thus far, that the model is a valid one — that is, a system of full partnership between the state Department of Health and the regional center program."

Nobody disputes Pye's contention that the California system is on the right track. There are flaws that persist, however, despite the efforts of providers, consumers, advocates and legislators, and despite enactment of the 1970 Federal Developmental Disabilities Act establishing a mechanism for support of combined programs. This offers treatment to the retarded along with other handicapped groups with related problems. California made some im-

portant adjustments to comply with the federal act, expanding the clientele of its regional centers network to include the non-retarded and greatly increasing the potential for an integrated system. California demonstrated an ability to adapt its program to new needs and philosophies.

Some questions

The immediate future provokes some complex questions:

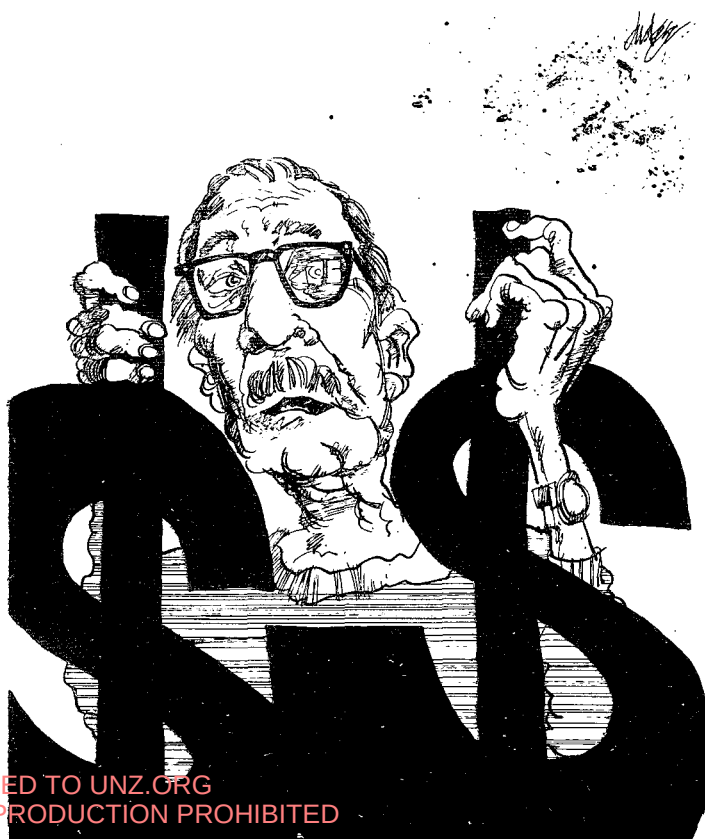
• *Should state hospitals be revitalized to meet current state and federal earthquake and safety standards, or should they simply be closed or replaced by smaller residential care centers?*

• *Is the state institution a valid treatment alternative, and, if not, what will happen to those patients who would be displaced by its elimination?*

• *How effectively are regional centers using the funds provided by the state?*

• *How can the system be made to monitor itself, particularly in view of the regional centers' partnership with the state which requires policing at several levels?*

A common-sense approach to these questions might reduce the complexities, maintaining the same system but replacing the mentally retarded service recipient by the broader classification "developmentally disabled." (Bill Bronston, a Department of Health special consultant, looks to a day when no label is used and the system can expand to serve the community needs of an entire population.) Simpler steps can provide a beginning: Definition of goals to enable the "developmentally disabled" program to grow according to the needs of program participants and away from the view of the disabled as "ill". Flexibility built in to staffing and programming. Priorities set before the community-agency-funding situation or the state hospital building-standard situation reaches the stage of uncontrollable crisis. The system, as Edgar Pye notes, "is the best so far . . . , well on the way to delivering the product." While the program is in such good health may be the best time to indulge in intense self-examination and preventive care. 



ROLL CALL

The year of champagne and caviar

The state can now afford to give every Californian a \$35 bonus — and still have a surplus in the treasury. The Legislature was informed by state Finance Director Roy Bell in mid-May that the economic recovery has boosted the anticipated surplus during the current fiscal year from almost \$500 million to about \$750 million.

This was almost an open invitation for lawmakers to flood Governor Brown's desk with appropriation measures, or to fatten the state budget scheduled to be enacted this month. Bell said the state should end the current year with \$539 million in the bank, plus \$214 million in federal revenue-sharing funds for a total of \$753 million. He estimated that if the Legislature does not go on a spending spree, the surplus at the end of the 1976-77 fiscal year would exceed \$800 million.

For two years, Brown has been talking about the need to pinch pennies to avoid tax increases. Now, he will have to justify either not giving Californians a tax rebate or not

authorizing expenditure of more state funds.

Several key elements in Brown's budget were defeated by legislative committees; notably the proposal to allow the California Highway Patrol to use radar devices to catch speeders, and the plan to merge the alcoholic beverage control and anti-alcoholism operations into a single department. In addition, the Governor's controversial proposal to give every state employee a \$70-a-month increase was on the rocks in favor of a traditional percentage boost.

Turkey with three legs

The Legislature was presented a new version of an old turkey — another proposal to divide the state. This time, veteran Senator Randolph Collier introduced a bill to split California into three states — one for San Diego, Riverside and Imperial Counties, another for the Los Angeles region, and the third the area north of the Tehachapis.

Senate (24D, 15R)		SB 1401 SB 1530 SB 1611 SB 1341	SB 1471 SB 1507 SB 1449 SB 218		SB 1401 SB 1530 SB 1611 SB 1341	SB 1471 SB 1507 SB 1449 SB 218
Alquist (D)	* Y Y Y	* Y N Y		Nejedly (R)	Y Y N Y	Y Y Y Y
Ayala (D)	Y Y Y Y	Y * Y Y		Petris (D)	Y * Y *	Y * N *
Behr (R)	Y * Y N	* * N *		Presley (D)	Y Y Y Y	Y Y Y Y
Beilenson (D)	Y Y Y Y	Y Y N *		Rains (D)	Y Y Y Y	N Y Y *
Berryhill (R)	Y * N *	* * Y Y		Richardson (R)	N N N N	N N Y N
Carpenter (R)	N N * N	N N Y Y		Robbins (D)	* Y Y Y	Y * Y Y
Collier (D)	N N N N	Y Y Y Y		Roberti (D)	* Y Y Y	Y * N N
Cusanovich (R)	N N N Y	Y Y Y Y		Rodda (D)	Y Y N Y	Y * N Y
Deukmejian (R)	Y N N N	N N Y Y		Russell (R)	Y N N N	N N Y Y
Dills (D)	N N Y Y	Y Y N Y		Schrade (R)	Y Y N Y	Y Y Y N
Dunlap (D)	Y Y Y Y	Y Y N Y		Smith (D)	Y Y Y Y	Y * N *
Garcia (D)	Y Y Y Y	Y Y Y Y		Song (D)	Y Y Y Y	Y Y N Y
Greene (D)	Y Y Y Y	Y Y Y *		Stevens (R)	Y * N *	Y * * *
Gregorio (D)	Y Y Y Y	Y Y N Y		Stiern (D)	Y Y N Y	Y * Y Y
Grunsky (R)	Y Y N N	Y Y N Y		Stull (R)	N N Y N	N N Y Y
Holden (D)	Y Y Y Y	Y Y N Y		Way (R)	* N * N	Y N Y Y
Holmdahl (D)	* * N N	* Y Y Y		Wedworth (D)	Y Y * Y	Y Y Y Y
Kennick (D)	Y Y Y Y	Y Y N *		Whetmore (R)	Y N N N	Y * N Y
Marks (R)	Y Y N Y	Y Y N Y		Zenovich (D)	* Y Y Y	Y Y Y *
Mills (D)	Y * Y Y	Y * N Y		(one vacancy)		

VOTING RECORDS

Listed here are the votes of legislators on recent major roll calls through May 16th. Votes selected involve issues of major importance and issues on which there was a major division of opinion, or both.

Y - Yes

N - No

*** — Absent or not voting**

A $\frac{2}{3}$ vote is required for urgency measures, constitutional amendments, and appropriations.

Assembly: 41 votes required for passage of bills needing a simple majority. ($\frac{2}{3}$ = 54 votes)

Senate: 21 votes required for passage of bills needing a simple majority. ($\frac{2}{3}$ = 27 votes)

Senate

ELECTIONS

SB 1401 (Rains) — Makes the attorney general, instead of the Fair Political Practices Commission, responsible for enforcing provisions of the 1974 Political Reform Act. Passed 27-6.

SB 1530 (Rains) — Permits any person declaring in writing that he or she is a candidate for office to obtain voter registration lists for the appropriate fees. Passed 22-10.

SB 1611 (Presley) — Authorizes local governments in Riverside County to conduct 1977 elections by mail ballot on an experimental basis. Passed 21-15.

EMPLOYMENT

- SB 1341** (Alquist) — Makes a collective-bargaining agreement binding on an employer succeeding to a contracting employer's business. Passed 24-12.
- SB 1471** (Rodda) — Makes several changes in the 1975 law creating a new Educational Employment Relations Board. Passed 28-7.

MISCELLANEOUS

- SB 1507** (Green) — Prohibits welfare authorities from asking applicants about a child's paternity where paternity is not an issue. Passed 21-6.
- SB 1449** (Carpenter) — Prohibits judges from engaging in sentence bargaining before a guilty or no-contest plea is entered. Passed 21-17.
- SB 218** (Alquist) — Authorizes personal income tax credits up to \$1,000 for the installation of solar-energy devices. Passed 27-3.

Assembly

HEALTH AND WELFARE

- AB 3104** (Hughes) — Repeals one-year residency requirement for welfare applicants in counties with unemployment rates of six percent or more. Passed 51-17.
- AB 3171** (Rosenthal) — Requires Medi-Cal providers to sign and date Medi-Cal cards each time services are provided. Passed 49-17.
- SB 1208** (Richardson) — Limits parental liability for support of welfare recipients to minor children and spouses. Passed 44-21.

MISCELLANEOUS

- AB 2774** (Dodd) — Allows teachers to use sick leave for a work absence due to "compelling personal importance." Passed 43-22.
- AB 2817** (Keysor) — Provides for partial public funding of general election campaigns and placing spending limits on those receiving public funds. Passed 43-32.
- AB 2812** (Lockyer) — Requires that the state minimum wage not be less than the federal minimum wage. Passed 45-21.
- AB 3229** (Sieroty) — Prohibits a police officer on strike from carrying a loaded gun. Passed 30-8.
- SB 702** (Behr) — Eliminates requirement that some boards of supervisors publish their proceedings. Defeated 6-62.
- SB 1075** (Kennick) — Requires the state to build highway route 47 connecting Long Beach and Los Angeles at an estimated cost of \$50 million. Passed 42-3.
- ACA 75** (Lockyer) — Proposed constitutional amendment giving the Governor 30 instead of 12 days to sign bills at the end of the first year of a two-year session. Passed 54-22.

Assembly (55D, 25R)

	AB 3104 AB 3171 SB 1208 AB 2774 AB 2817	AB 2812 AB 3229 SB 702 SB 1075 ACA 75		AB 3104 AB 3171 SB 1208 AB 2774 AB 2817	AB 2812 AB 3229 SB 702 SB 1075 ACA 75
Alatorre (D)	Y Y Y Y Y	* Y N Y Y	Keene (D)	Y Y Y Y Y	Y Y Y Y Y
Antonovich (R)	N N N N N	N N N N N	Keysor (D)	Y Y * Y Y	Y Y N Y Y
Arnett (R)	* N N * N	N Y * Y N	Knox (D)	Y Y Y Y Y	Y Y N Y Y
Badham (R)	N N * N N	* N N * N	Lancaster (R)	N * N * N	N Y N N N
Bane (D)	Y Y Y Y Y	Y Y Y Y Y	Lanterman (R)	* N N N N	N Y N N N
Bannai (R)	Y N Y N N	N Y N Y N	Lewis (R)	N N N Y N	N N N Y N
Berman (D)	Y Y * Y Y	Y Y N * Y	Lockyer (D)	Y Y Y Y Y	Y Y * Y Y
Beverly (R)	Y Y Y N N	Y N N Y N	MacDonald (D)	Y * N * *	Y Y * N *
Boatwright (D)	Y Y Y Y Y	Y Y N Y Y	Maddy (R)	* Y Y Y N	Y Y N Y Y
Briggs (R)	* N * N N	N * N * N	McAlister (D)	* N Y Y N	Y Y N Y Y
Brown (D)	Y * * * Y	* * N Y Y	McCarthy (D)	Y Y Y Y Y	Y Y * * Y
Burke (R)	Y N Y N N	N Y N * N	McLennan (R)	N N N N N	N N N N N
Calvo (D)	Y Y Y Y Y	Y Y N Y Y	McVittie (D)	N Y Y Y Y	Y Y N Y Y
Campbell (R)	N * Y Y N	* Y N Y N	Meade (D)	Y N Y Y Y	* Y N Y Y
Carpenter (D)	Y Y Y Y N	Y Y N Y Y	Miller (D)	Y Y * * Y	Y Y * * Y
Chacon (D)	Y * Y * N	* * N * Y	Mobley (R)	N N N N *	N N * Y N
Chappie (R)	N * N * N	N * N * N	Montoya (D)	* Y * Y Y	Y Y N * Y
Chel (D)	N Y N Y Y	Y N N Y Y	Mori (D)	Y Y Y Y Y	Y Y N Y Y
Chimbole (D)	N Y * N Y	N Y N * Y	Murphy (R)	Y N Y N N	N Y N Y Y
Cline (R)	N N Y N N	N N N * N	Nestande (R)	N * N * N	N * N Y Y
Collier (R)	* Y N N N	N Y N N N	Nimmo (R)	* Y * N N	* * N Y N
Craven (R)	Y N N * N	N * N Y Y	Papan (D)	Y Y Y Y Y	Y Y N Y Y
Cullen (D)	Y N Y N N	* Y N Y Y	Perino (D)	Y Y N Y N	Y Y N Y Y
Davis (D)	* * * N N	* * Y Y N	Priolo (R)	N Y * N N	N Y N * N
Deedeh (D)	Y Y Y Y Y	Y Y N Y Y	Ralph (D)	Y * * * *	* * * Y Y
Dixon (D)	Y Y * * Y	Y Y N * Y	Robinson (D)	N N Y Y N	N Y N Y N
Duffy (R)	Y Y Y Y Y	Y Y N Y Y	Rosenthal (D)	Y Y Y Y Y	Y Y N Y Y
Egeland (D)	Y Y Y Y Y	Y Y N Y Y	Siegler (D)	Y Y Y Y Y	Y Y N Y Y
Fazio (D)	Y Y Y Y Y	Y Y N Y Y	Sieroty (D)	Y Y Y Y Y	Y Y N Y Y
Fenton (D)	Y Y Y Y Y	Y Y N Y Y	Suitt (D)	N * N Y *	N Y N Y Y
Foran (D)	Y Y Y Y *	* Y N N Y	Thomas, V. (D)	Y * Y * Y	N * * Y Y
Garamendi (D)	Y N Y N Y	Y Y N Y Y	Thomas, W. (R)	Y Y Y Y N	* Y N Y N
Goggin (D)	* Y Y Y Y	Y Y N Y Y	Thurman (D)	Y Y N Y N	Y Y N Y Y
Greene, L. (D)	Y Y * N Y	Y * * * *	Torres (D)	Y Y Y Y Y	Y Y N Y Y
Gualco (D)	Y Y N Y Y	Y Y * * N	Tucker (D)	Y Y N Y Y	Y Y N Y *
Hart (D)	Y Y N Y Y	Y Y N Y Y	Vasconcellos (D)	Y Y Y Y Y	Y Y * N Y
Hayden (R)	* * * Y N	* * N Y Y	Vicencia (D)	Y Y N Y Y	Y Y N Y Y
Hughes (D)	Y Y Y Y Y	* Y * Y *	Warren (D)	Y Y Y Y Y	Y Y * Y Y
Ingalls (D)	* * Y Y N	Y Y N Y Y	Wilson (D)	Y Y Y Y Y	Y Y N Y Y
Kapiloff (D)	Y Y Y Y Y	Y Y N Y Y	Wornum (D)	Y * N Y Y	Y Y N Y Y

Selected government reports

Small Cities and the Community Development Act of 1974; by Edward J. Blakely and Martin Zone. 1976. First of a new series by the Institute of Governmental Affairs, U.C. Davis 95616. Available for \$3 from the Institute.

Women in California; A Guide to Organizations and Information Sources; by Diana A. de Noyelles and Joan Dickson Smith for the Center for Public Affairs, 226 West Foothill Blvd., Claremont 91711. (\$10 plus tax)

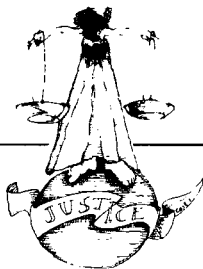
To Serve Seven Million; a report by the Public Commission on the structure and operation of Los Angeles County government. 84 pp.

Through the Roof; A report on escalating compensation costs; by the Institute for Local Self Government. A statistical analysis of public-employee cost increases. 205 pp. Available from the Institute, Hotel Claremont, Berkeley 94705. (\$5 plus tax)

The California Coastal Plan: A Critique; by the Institute for Contemporary Studies. March 1976. A series of essays on various elements of the plan, by economists and political scientists. Available from the Institute, 260 California Street, Suite 811, San Francisco 94111. (\$3.95 plus postage)

The Law and Use of Interstate Compacts; Frederick L. Zimmermann and Mitchell Wendell for the Council of State Governments. Available from the council's western office, 85 Post St., Suite 400, San Francisco 94104. (\$5 plus tax)

Self-Regulation of Environmental Quality: Impact Analysis in California Local Government; by Arthur W. Jokela for the Center for California Public Affairs, an affiliate of the Claremont Colleges, with support by the U.S. Environmental Protection Agency. 135 pp. Available from the center, 226 W. Foothill Blvd., Claremont, Cal. 91711. (\$10 plus tax).



SIGNIFICANT COURT ACTIONS

Camera's eye in the court

California court proceedings soon may be observed on closed-circuit television under a new set of rules tentatively adopted by the state Judicial Council. The proposed rules are based on experiments with television by the McGeorge School of Law in Sacramento and by the National Center for State Courts.

These studies indicate that a videotape record of a trial can be extremely valuable in the consideration of appeals, because the tape maintains a record of appearance and demeanor as well as the words of witnesses. The rule would apply only to TV and still photography intended to preserve a more complete trial record, and to permit persons in an adjacent court facility to observe judicial proceedings. The rules would specifically prohibit use of photography for mass-media purposes.

Jurors as taxpayers

The state Supreme Court ruled unanimously that five contractors being sued by the Bay Area Rapid Transit District could not get a fair trial in Alameda County. In *Westinghouse v. Superior Court*, the Supreme

Court said the contractors, being sued for more than \$100 million, might be subjected to potential prejudice if the case were tried in Alameda County where the district is headquartered.

The district contends that the contractors provided defective equipment and faulty services, producing massive breakdowns in operation of BART's trains. In an opinion written by Associate Justice Stanley Mosk, the court overturned an Alameda County Superior Court decision and granted a change of venue. The reason: "It is virtually certain that an Alameda County juror in this case will be a BART taxpayer with more than an academic interest in a damage suit totaling more than \$100 million."

The elements of kidnap

Larry Camden met a girl at an employment agency and offered her a ride to a job interview. Once they were in his car, he told her he was going to have sexual relations with her. He forcibly held her in the car after she rejected his advances and tried to escape. She finally managed to jump out of the car while it was

turning a corner. The question before the state Supreme Court: Could Camden be guilty of kidnapping?

In *People v. Camden*, the court found unanimously that forcible restraint of a person who has entered a vehicle voluntarily constitutes kidnapping. Chief Justice Donald Wright emphasized in writing the court's opinion that an act of kidnapping can be accomplished in a Camden-type case if the accused "subsequently restrains his victim's liberty by force, and compels the victim to accompany him further."

Shock treatment

The District Court of Appeal in San Diego declared unconstitutional a law passed by the Legislature in 1974 to place restrictions on the use of shock treatment and psycho-surgery on mental patients. The court found parts of the controversial law, authored by Assemblyman John Vasconcellos, to be acceptable but declared the entire act unconstitutional because it was not possible to enforce only parts of a law. The bill was strongly opposed by the American Psychiatric Association.

NEWSMAKERS

Successor to Siegler?

Democratic central committees in the 8th Assembly district will select a nominee to replace Assemblyman **Alfred Siegler** of Vallejo, who died May 18th while playing tennis in Davis. Siegler, a 64-year-old freshman, was unopposed on the June primary ballot. The district includes all of Napa and parts of Solano and Sonoma counties.

Who's going to challenge the qualifications of the state Senate's new assistant sergeant-at-arms? The man hired to keep order in the Senate is **Jacob Henry Baer**, 60, better known as Buddy Baer, former heavyweight boxing contender. He's a bit over 6-foot-6 and weighs 300 pounds. His

salary: \$737 a month Assemblyman **John J. Miller** of Emeryville conceded he had suffered a minor stroke in February, not the respiratory disease previously reported Assemblyman **Vic Fazio** of Sacramento reported receiving \$15,000 from fellow Democratic assemblymen to help pay off special-election debts.

Former Assemblyman **Laughlin E. Waters** was confirmed by the United States Senate for a federal judgeship in Los Angeles. . . . **Philip P. Kerby**, editorial writer for the Los Angeles Times, was awarded a Pulitzer Prize for his editorials protesting government secrecy and judicial censorship.

Cruz Reynoso, director of the controversial California Rural Legal Assistance at the time former Governor Ronald Reagan tried to cut off its funds, was nominated by Governor Brown as a justice of the state Court of Appeals in Sacramento. Since 1972, Reynoso has been a law professor at the University of New Mexico **Adriana Gianturco** was confirmed as director of the state Department of Transportation, and her predecessor, **Sid McCausland**, was appointed deputy director of finance **Henry J. Vaux**, a professor of forestry at the University of California-Berkeley, was named chairman of the state Board of Forestry by Brown.

A WASHINGTON PERSPECTIVE . . .

By Leo Rennert

The new spirit's new diversity

The Maryland election was still a few days away and Jerry Brown was trying to cope with Jimmy Carter's charge that the "new spirit" of Sacramento had become a tool of Governor Marvin Mandel's entrenched machine. The California governor, headlined as the "Golden State Guru" in the Washington Star, was on the defensive. He had carefully cultivated a national image as a reformer eager to challenge the old backroom politics. Carter's criticism could mess up this "pursuit" reception and demolish his standing as young Lochinvar riding in from the west.

But Brown did not flinch for a moment. Carter, he said, was just jealous because he could not get old-guard endorsements. Yet, how could the co-author of Proposition 9, the California Political Reform Act, justify such an old-fashioned marriage of convenience? Quite easily, said Brown, who actively sought the backing of Maryland's "bosses." The Democratic Party always had comprised a "diverse constellation" of interests and he was not about to be selective or exclusionary in his quest for the presidency. "Haven't you heard of the Biblical saying?" he quipped. "There are many machines in my father's house."

It was an apt explanation for the highly pragmatic style and strategy Brown brought to his first national political test — and tells worlds about his surprisingly big win over Carter on May 18.

* * *

Once his ambition was aimed beyond the borders of California, all the old assumptions about who Jerry Brown really was had to be re-examined. Baltimore County Executive Ted Venetoulis and Brown's other principal backers had never met him until he arrived for his three-week Maryland blitz. They were worried that this shy young man, with his deep philosophical interests, might prove disastrous on the stump. There was even talk he did not like to shake hands.

But no sooner had Brown stepped off the plane than all these concerns evaporated. They had expected a monk and discovered an old pol who could even teach them a few tricks. Although Mandel was caught up in scandalous disclosures and faced trial on corruption charges, Brown invited him to stand at his side at his first airport press conference. He gambled shrewdly that Mandel was still popular and that the machine would be more motivated to work for him if its leader was paid this kind of respect in public.

Without any reticence, Brown plunged into crowds at every stop, pressing the flesh with the gusto of a Lyndon Johnson and allowing women, young and old, to reach for him, to hug him, to kiss him. While decrying the luxurious Sacramento mansion he inherited from Ronald Reagan,

the governor had no qualms about hobnobbing with Baltimore's affluent set in a private \$350,000 mansion, where the swimming pool had a waterfall and the master bedroom came equipped with mirrored ceiling, two chandeliers, a remote-control television set built into the thickly carpeted floor and a nearby sunken bath. Asked how the new "era of limits" squared with his presence in such opulent surroundings, he humbly explained: "Even Christ preached among the sinners."

* * *

The Brown phenomenon which flashed across Maryland's political firmament had a little something for everyone. To Blacks, he distributed a special edition of Sacramento's Black newspaper, *The Observer*, listing all his Black appointees and their salaries. To women, he rattled off his administration's breakthroughs in appointing women to high posts, including one "to the men's parole board because I figured she'd know how long to keep them in and when to let them go." To the young, he blasted Reagan's "macho" posture on the Panama Canal and suggested they — not Reagan — would have to fight if there was open conflict.

In an appearance at a local conference on Soviet Jewry, Brown — who had made a point of never signing a petition in Sacramento — readily signed one asking the Kremlin to let Russian Jews emigrate. To conservationists, he talked about "planetary realism" and how he signed legislation to set a 3½-gallon limit instead of seven gallons on new flush toilet tanks in California. To fiscal conservatives, he cited his no-new-taxes and tighter-than-Reagan posture, adding: "I may not be a conservative, but some people call me cheap."

To older voters puzzled about his youthfulness and limited experience, Brown boasted of his father's record in a way which made his qualifications seem more imposing. In Sacramento, the son may have kept the father at a distance; but in Maryland, filial devotion flowed like a mighty stream.

Actually, most of these themes were incorporated in the standard Brown campaign speech — although emphasis varied with different audiences. It wasn't that Brown was two-faced. He just managed to be multi-, or omni-faced.

But in the afterglow of his smashing Maryland success, he did leave a couple of questions unanswered. What about the disaffected voter he always claimed as his most prized constituency? Despite all the publicity hoopla, fewer than half the registered Democrats went to the polls. And while Brown undoubtedly came, saw and conquered Maryland with a "many-machines" strategy, how long could he sustain this kind of fervor and appeal?

The Journal's free introduction service

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*All government is too large for the man to whom
the last tax increase was too much.*

— A. Alan Post